

September 8, 2008

The East Lampeter Township Board of Supervisors met on Monday, September 8, 2008, 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. Michael Landis, Mr. John Shertzer, Mr. Roger Rutt, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Steve Gribble, 127 N. Ronks Road, Ronks, PA 17572, representing Ronks Fire Company
Jeff Burrell, 100 Village Square, Honey Brook, PA 19344, representing Amos & Andrew Beiler
Andrew Beiler, 380 Beechdale Road, Bird-In-Hand, PA 17505
Amos Beiler, 338 Beechdale Road, Bird-In-Hand, PA 17505
Ken Hornbeck, 1853 William Penn Way, Lancaster, PA 17601, representing High Associates
Maureen Raezer, 62 Pitney Road, Lancaster, PA 17602, representing Thyme & Seasons
Ron Nolt, 122 Waterfront Estates Drive, Lancaster, PA 17602, representing Lafayette Fire Co.
Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, representing CVC
L. Diorio, 2213 New Holland Pike, Lancaster, PA 17601
Carolyn Eachus, 351 Morgan Drive, Lancaster, PA 17601, representing self

Chairman Buckwalter announced that there were two (2) agenda items involving High Associates which he would recuse himself from due to his employment in the High organization.

Minutes of August 19, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the August 19, 2008 regular meeting were available for review. Chairman Buckwalter asked if there were any comments or corrections regarding the minutes as prepared. There were no comments. A motion was then made by Mr. Shertzer and seconded by Mr. Eberly 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 \$407,486.24 were presented for payment. Chairman Buckwalter mentioned that of the total amount, \$190,228.00 is the Township's share for the purchase of the new engine for the Ronks Fire Company, \$17,068.00 were for charges related to AT&T protection of a fiber optic line as part of the construction of the building, \$17,000.00 purchase of road salt, and \$56,000.00 for the quarterly contribution to the Township's fire companies. After review of the bills listed, a motion was made by Mr. Eberly and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$407,486.24. The motion was passed by unanimous voice vote.

Old Business:

a. Financial Security Release Request – Strasburg Bible Church: Strasburg Pike

Chairman Buckwalter noted that there is a request for release of financial security for Strasburg Bible Church on Strasburg Pike and asked if there was anyone there for this item. There was no one present. He stated that there was an amount of \$2,508.95 being held in escrow and that the Township's engineer has recommended releasing the entire amount.

A motion was made by Mr. Eberly to grant this request releasing the amount of \$2,508.95. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

b. Financial Security Reduction Request – Harvest Meadows: Hobson Road

Chairman Buckwalter noted that in a letter from our engineering group, Rettew, it recommends a financial security reduction in the amount of \$83,092.50, which will leave a new outstanding financial security balance of \$9,232.50. Chairman Buckwalter asked if anyone was there for this item. No one was in attendance to represent this item. Mr. Shertzer made a motion to accept this reduction as presented. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

c. Consideration of Proposed Parkland Fee in Lieu of Dedication – Mill Creek Square

Chairman Buckwalter recused himself from participation in this agenda item and asked Mr. Rutt to chair the meeting.

Mr. Ken Hornbeck of High Associates introduced himself. He explained that Subdivision and Land Development Ordinance Section 518 requires the dedication of land for park and open space or pay a fee in lieu of land dedication.

Mr. Hornbeck explained that in order to determine the appropriate amount of the fee, they used the most recent assessment value for the land and a common level ratio factor to get an adjusted value. The adjusted value was then multiplied by 2.5% to reach a value of \$69,118.00. This fee in lieu amount is before the Board and the Township for their approval.

Mr. Eberly questioned the assessed value for the land and if it should be based on the real value.

Mr. Hornbeck explained that the assessed value was taken off a tax roll from a 2006 or 2007 assessment when the land had switch ownership.

Mr. Hutchison then explained that the way the ordinance is written, it is to be the predevelopment value of the land.

Mr. Rutt asked about the common level ratio number.

Mr. Hutchison explained that the state puts out a table of common level ratios each year.

Mr. Landis made the motion to approve the fee in lieu of for Mill Creek Square as proposed in the amount of \$69,118.00. Mr. Shertzer seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter rejoined the Board at this time.

d. Beiler / A & J Power Final Lot Add on Plan #08-26: Beechdale Road

Chairman Buckwalter asked if there was anyone present representing this project and explained that this project was reviewed at the last meeting. He asked if there have been any changes to the plan.

Mr. Jeff Burrell of Dunlap & Burrell, the surveying and engineering firm for this project, introduced himself. He explained that in response to the last engineer letter dated August 15, 2008, he responded and revised the plans on August 26, 2008. He also amended the waiver list to include a second waiver, which would then satisfy all of the comments in the engineer's letter.

Mr. Burrell asked whether the planning commission had made a recommendation for final approval.

Mr. Hutchison stated that the planning commission had recommended approval subject to the engineer's comments. They did not make any specific comment with respect to the frontage improvements which are required by the ordinance.

Chairman Buckwalter asked Mr. Burrell if he had seen the letter from the township engineer dated September 8, 2008. He gave Mr. Burrell a copy of the letter for him to review.

There was a discussion concerning the frontage of the property and the widening of the roadway.

Mr. Landis made a motion to approve the final lot add on plan for A & J Power on Beechdale Road subject to the township engineer comments and grant the waivers including the waiver requests for curbing and widening of the road. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

e. A & J Power Land Development Plan #08-12: Beechdale Road

Mr. Burrell requested a time extension to November 4, 2008, due to the fact that he had not received a copy of the letter from the township engineer and needs time to review the letter.

Mr. Hutchison did want to point out that when he reviewed the plan, he noticed that a portion of the area for the proposed driveway modification is actually owned by someone else.

Mr. Burrell argued that it was in the right of way and that the land owner had given up that part of land. Mr. Hutchison stated that this owner needs to be signature to this plan.

Mr. Shertzer made a motion to table this plan to another meeting in order to give the applicant and Mr. Burrell the opportunity to come back with a plan that has been re-reviewed by the township engineer. Mr. Landis seconded this motion and it was passed by unanimous voice vote.

Mr. Shertzer then made another motion to grant a time extension until November 4, 2008, for this plan. Mr. Rutt seconded this motion and it was passed by unanimous voice vote.

New Business:

a. High Warehouse Revised Final Land Development Plan #08-24: Old Homestead

Chairman Buckwalter recused himself from participation in this agenda item and asked Mr. Rutt to chair the meeting.

Mr. Ken Hornbeck of High Associates explained that the plan had been approved and that the construction is well underway. The owners have asked High Associates to modify the plan by providing an extension to Olde Homestead Lane so they can have a secondary point of access in and out of the site. High Associates engineers have come up with a solution that allows for an extension of Olde Homestead Lane into a cul-de-sac with a driveway going to the back of the site.

It was discovered that a letter was received on September 8, 2008, from the township engineers to the board members. Mr. Hornbeck had not received a copy of this letter. Mr. Hornbeck requested that the plan be tabled so that he can respond to the review letter.

Mr. Hutchison stated that there should be a time extension if the applicant is willing to provide that and the Board agrees.

Mr. Eberly made the motion to grant a ninety (90) day time extension for this plan. Mr. Landis seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

Chairman Buckwalter rejoined the Board at this time.

b. Thyme & Seasons Land Development Plan #08-30: Pitney Road

Mrs. Maureen Raezer, co-owner of Thyme & Seasons, introduced herself. She is requesting to build a pavilion over a storm water basin. Plans were submitted to the Planning Commission, at which time, there were some stipulations that needed to be addressed by Thyme & Seasons engineer. These stipulations have now been met.

Chairman Buckwalter then mentioned the letter dated September 8, 2008, from the Township engineer. This letter was then reviewed. Mrs. Raezer requested a waiver for the relocation of trees that have already been planted across the basin top of berm and within the emergency spillway.

Chairman Buckwalter then suggested that it would be helpful for the Board to see exactly what the plans are. Mrs. Raezer then presented the Board with plans and explained them.

Mr. Shertzer questioned whether with this addition, the number of people per event would increase.

Mrs. Raezer stated that it would not due to the seating in the ballroom is already maximized. She also commented that they only hold one (1) event per day.

Chairman Buckwalter then asked if the Board had any further questions. There were none. He then asked the audience if they had any questions and there was no response.

Mr. Shertzer then commented about the trees not presenting a problem now, but in time as the trees grow, the roots could cause a problem to the water basin.

Mrs. Raezer stated that the trees planted are dwarf fruit trees.

Mr. Landis made a motion to approve the land development plan for Thyme & Season and addressing all the items in the September 8, 2008, letter, with the exception of moving the fruit trees. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

Other Business:

- a. Consideration of Contract Award re: Bids for Septage Receiving Area

Chairman Buckwalter asked Mr. Hutchison to explain this item.

Mr. Hutchison explained that as part of the Township sewer system maintenance program, when the forces are working on grinder tanks, pumping stations, or cleaning lines, what they vacuum out and put into the vehicle must then be dumped back into the sanitary sewer system. A facility was built to handle this operation, but it works very slowly.

Public work forces would like to install a larger facility that would allow them to dump the septage more quickly and be able to get back to their operation in order to get more work out of their day.

Mr. Hutchison continued that the facility was designed and budgeted for \$56,000.00 for this year. The bids came in much higher than budgeted. The low bid received from Bertolet Construction came in at \$104,730.00. When the bids went out, it was already part of the plan to use our own forces to do the excavation work for the facility. When reviewing the bid items in the proposed contract, there were several other items identified that our forces could do in order to save money on the project.

Those items include the relocation of a spigot and a light pole, providing a sewer lateral connection, and E and S controls. In addition to those items, the bid price for fencing that will go around the facility and the gates for gaining access was more than it should be. The bid was

\$19,850.00 for fencing and gates. When consulting with other local contractors, the low bid received from them was \$6,761.00. This is a savings of a little more than \$13,000.00. The price for the container that would go into the facility was bid by the contractor at \$20,200.00. A separate bid will have to go out for that, but it should come in around \$17,000.00.

If those six (6) items are change ordered out, the value of the contract with Bertolet Construction would be \$55,830.00. Additional funds would still be needed for the fencing and gates and also the container to complete the project. The total for everything would be \$80,522.00.

Mr. Hutchison added that if the Board was uncomfortable with this amount, the forces would have to continue to operate with what they have. They will try to budget for this project for next year, at which time we are unsure of what the cost might be.

Mr. Hutchison continued that this is a worthwhile project that will save many man hours over the years.

Mr. Eberly asked if the proposed construction would be done this year.

Mr. Hutchison replied that it would.

Mr. Eberly then asked if it would be possible for the purchasing of the fencing, gates, and container could be out of the 2009 budget.

Mr. Hutchison explained that once the excavation is started, there is no where to go with the septage until the project is complete.

Mr. Eberly asked if there were capital reserves for this if necessary.

Mr. Hutchison stated that the sewer revenue fund does have a reserve that could be drawn from to cover the difference of the total cost versus what was budgeted.

Mr. Eberly made a motion to accept the bid from Bertolet Construction for \$55,830.00. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

b. Consideration of Contract Change Orders re: Septage Receiving Area

Mr. Eberly made a motion to change the contract to include the change orders that allows the staff to complete part of the project. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

c. Consideration of Key Box Ordinance

Chairman Buckwalter explained that this ordinance would assist the fire companies to access buildings in the event the owner is unavailable.

Mr. Hutchison commented that this ordinance has been prepared by the Township Emergency Services Committee and editorial revisions were made by the township attorney to make it legal.

Mr. Eberly questioned if this was only for buildings with automatic alarms.

Mr. Hutchison replied correct.

Mr. Shertzer added that this also includes one and two family dwellings and asked if there are many homes that are installed with alarms.

Steve Gribble of the Ronks Fire Company commented that there are a growing number of new homes being built that are equipped with automatic alarm systems. He added that many neighborhoods have a neighbor that would be the second key holder. The problem is mostly with the businesses in the area. He said that the police would also assist them when they would have to use a key to gain access to a building.

Mr. Rutt made a motion to approve the key box ordinance. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

d. Approval of Pension Plans Minimum Municipal Obligation (MMO) Calculations

Mr. Hutchison explained that each year the township is required by law to prepare this calculation for each of the pension plans. This then tells the township how much to budget in the coming year.

Mr. Eberly made a motion to approve the pension plans MMO calculations. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

e. Sale of Used Police Cruiser to Upper Leacock Township - \$6,500.00

Mr. Hutchison explained that Upper Leacock Township has approached East Lampeter Township in recent years on purchasing police cruisers that have been replaced by new ones. The cruisers have been taken to the county auction to be sold in previous years. Upper Leacock has approached East Lampeter and asked if they would be willing to sell them one directly. A fair price of \$6,500.00 has been arrived at.

Mr. Landis made a motion to approve the sale of the used police cruiser to Upper Leacock Township for the amount of \$6,500.00. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

f. Resolution re: Application to Install Traffic Signals – Rt. 30 at Greenland Drive

Mr. Hutchison explained that this traffic signal installation was discussed by the Board as part of the Mill Creek Square shopping center project. There was an agreement entered into between the Township and the developer to pursue this installation. The Board must approve this resolution before applying to the state for a permit.

Mr. Eberly made a motion to submit the application for a permit for the traffic signal. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

g. Resolution re: PennDOT "Settlement" Agreement - \$25,000.00

Mr. Hutchison explained that in May of this year, he asked the Board to adopt a second resolution asking PennDOT to reimburse the Township. PennDOT had agreed in helping to fund the improvements to the intersection of Strasburg Pike and Millport Road. At that time, a resolution was adopted which they decided that they did not like due to the wording and asked for it to be changed. Therefore the second resolution was adopted.

PennDOT has called and asked for another wording change to that resolution.

Mr. Eberly made a motion to approve the resolution. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Chairman Buckwalter asked if there were any public comments.

Mrs. Carolyn Eachus, 351 Morgan Drive, Lancaster, PA 17601, questioned the Board about the status of the ASA appeal and the cost for counsel to complete this appeal.

Chairman Buckwalter explained that the Board authorized the attorney to file a paper on this appeal and does not know anything further than that.

Mr. Hutchison added that it was just filed the middle of August, so no bill has been received yet for this service.

Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, commented on an article from the Inquirer that was sent to her about the Amish population is growing and on the move. She mentioned that the Amish have moved to Missouri, Kentucky, and Minnesota. She was aware that they have moved to Wisconsin, Indiana, Ohio, and Michigan.

She added that she had gotten in touch with the Department of Transportation in Wisconsin and told them about the DVD that is available here on driving on the roads with Amish buggies. They do not have the program that is in place here. She mentioned that there is a link available on Lancaster On-Line website to view this video. She sent a message to all of the CVC members to watch this video with their family and friends visiting Lancaster County.

Mrs. Duling also mentioned that the Department of Transportation in Wisconsin then contacted the Department of Transportation in Montana. He then wrote an email to all head of driver training in every state of the United States to use this DVD in their training program.

She was glad that Chairman Buckwalter had agreed to put in the newsletter about the DVD. She also commented on the outstanding police department that East Lampeter has.

Chairman Buckwalter then commented about her statement that he had agreed to put an article in the township newsletter about the DVD. He does not recall making that statement. In his email to her, he was referring to her comment about sending the CVC members the information and that she was on target and did not intend to say that we would put it in the newsletter.

Chairman Buckwalter added that he feels that what goes into the newsletter should be up to the staff and perhaps Chief Bowman could review the video and decide.

She also commented on the Heritage Byways being worked on and is pleased about it. Journey through Hallowed Ground is available online.

Mrs. Carolyn Eachus then personally apologized to Mr. Landis on her earlier comments.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Rutt to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, October 6, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager