

September 10, 2012

The East Lampeter Township Board of Supervisors met on Monday, September 10, 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. John Blowers, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager. Mr. Mike Landis was absent.

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

John W. Kreider, 2566 Old Philadelphia Pike, Bird-in-Hand, PA 17505, representing owners of

Smoketown Veterinary Property

Melvin Stoltzfus, 313 Enterprise Drive, Bird-in-Hand, PA 17505, representing Hand-in-Hand Fire Co.

Tom Matteson, Diehm & Sons, Inc., 15 Toll Gate Road, Lititz, PA 17543, representing David Beiler/

Millcreek Fence

David S. Beiler, 452 Mt. Sidney Road, Lancaster, PA 17602, representing Millcreek Fence

Daniel S. Beiler, 452 Mt. Sidney Road, Lancaster, PA 17602, representing Millcreek Fence

Robert Neff, 1401 Bear Creek Road, Elizabethtown, PA 17022, representing Millcreek/Nolts Mill

Lynn Commero, representing Lancaster Newspapers

Keith Greiner, 405 Myer Terrace, Leola, PA 17540, representing County Controller

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

Announcement of Executive Session

Chairman Buckwalter announced that there was an executive session held prior to this evening meeting to discuss real estate matters.

Minutes of August 21, 2012 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the August 21, 2012 regular meeting as prepared.

A motion was made by Mr. Shertzer to table the approval of the August 21, 2012 minutes as presented until the next Supervisors meeting on October 1, 2012. He had just received them and believes there are parts of the minutes that are incomplete and need to have more work done on them. Mr. Blowers 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 \$290,138.08 were presented for payment. Chairman Buckwalter stated that some of the larger items included in that amount is a payment of \$50,000.00 to the police pension fund and \$15,000.00 to the non-uniform pension fund for a total of \$65,000.00, a contribution of \$8,212.00 to the Lancaster County Drug Task Force, and a quarterly payment of \$12,318.40 to LASA for sewer flow charges.

A motion was made by Mr. Eberly and seconded by Mr. Shertzer to approve payment of the bills as listed in the amount of \$290,138.08. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Reduction of Financial Security – Devon’s Creek: New Holland Pike

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance. He explained that Devon’s Creek located on New Holland Pike is requesting a reduction of financial security in the amount of \$32,718.60, which will leave a balance of \$421,095.25. The township engineer, David Miller Associates, visited the site on August 6 and August 14, 2012 and is recommending a reduction of financial security in the amount of \$247,033.00, which will leave a balance of \$587,597.44.

Mr. Eberly commented about the numbers not matching up between the developer and the township engineer.

Mr. Hutchison explained that there was previous reduction of financial security requests from the developer. After review by the township engineer, there were zero recommendations for release which is why there is some confusion on their end. Mr. Hutchison added that he feels the township engineers numbers are correct.

Mr. Eberly made a motion to grant the reduction of financial security in the amount of \$247,033.00, which will leave a remaining balance of \$587,597.44, as recommended by the township engineer David Miller Associates in the letter dated August 31, 2012. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

b. Offer of Time Extension for Township Review and Action re: Millcreek Fence Land Development Plan #10-29: 360 Mt. Sidney Road

Mr. Tom Matteson of Diehm & Sons, Inc. introduced himself along with Mr. David Beiler, the applicant and Mr. Robert Neff the property owner.

Mr. Neff discussed where they were with the project and why they are offering a time extension for the township to review and act on the Millcreek Fence Land Development Plan #10-29 for 360 Mt. Sidney Road. He explained that the costs had gotten ahead of the available funds for the project. He stated that the issue with PennDOT and the driveway has been resolved. Mr. Beiler has recently received some help with the financing for this project. They are offering a time extension until March 19, 2013 for the township to review and act on this project.

Chairman Buckwalter stated that there is still the issue of the temporary structures that are on the property that the Board had offered an extension to leave them there until December 31, 2012.

Mr. Hutchison stated that the expectation was that the planning process would be completed, all the permits would be obtained and issued, and the new building would have been constructed before the end of this year so that they could remove the temporary structures. At this point it is clear that this is not going to be the case. Mr. Hutchison’s suggestion to the Board is to consider a request to the temporary structures as a separate matter and wait to see if the planning documents come back in, in a timely

fashion. Mr. Hutchison asked Mr. Beiler about the last time he was present at a meeting he had indicated that there were some issues with PP&L and if these issues have been resolved.

Mr. Beiler indicated that he has a verbal agreement with PP&L but that it is not in writing yet.

Mr. Hutchison asked if someone was working on putting that document together.

Mr. Beiler answered that an attorney for PP&L is working on that.

Mr. Eberly made a motion to accept the time extension for the township to review and act on the Millcreek Fence Land Development Plan #10-29 for 360 Mt. Sidney Road until March 19, 2013. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

New Business:

- a. Offer of Time Extension for Township Review and Action re: Sheetz, Inc. Land Development Plan #12-14: 2425 Old Philadelphia Pike

Mr. Chris Venarchick of RGS Associates was present for this project and gave a brief summary of the steps that have been taken for this project.

Mr. Shertzer made a motion to accept the 60-day time extension for the township to review and act on the Sheetz, Inc. Land Development Plan #12-14 for 2425 Old Philadelphia Pike until November 13, 2012. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

Other Business:

- a. Request to Close a Portion of Enterprise Drive for Safety Day Event – Hand in Hand Fire Company

Mr. Melvin Stoltzfus, representing Hand-in-Hand Fire Company, addressed the Board about closing a portion of Enterprise Drive on October 5, 2012 from 11:00 a.m. until 2:30 p.m. so that they may conduct a Student Safety Day.

Chairman Buckwalter asked Mr. Hutchison if there have been any issues with this in the past, since they have done this before.

Mr. Hutchison stated that he had spoken to Mr. Stoltzfus earlier that day and told him that the fire company would need to present staff with a certificate of insurance naming the township as an additional insured for this event.

Mr. Eberly made a motion to grant approval for the request to close a portion of Enterprise Drive for the Hand in Hand Fire Company Student Safety Day event on October 5, 2012 from 11:00 a.m. until 2:30 p.m. with the condition that a certificate of insurance naming the township as an additional insured for this event be submitted. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

b. Township Pension Plans 2013 MMO Calculation Approvals

Mr. Hutchison explained that every year State Act 205, which is the municipal pension law in Pennsylvania, requires that the township adopt a minimum municipal obligation calculation for the coming year's pension plans. The minimum municipal obligation is funded using state grant funds which are received annually and the remainder is then funded by the township and employee contributions through payroll deductions. The Board must act on the coming year's minimum obligation before September 30 of the previous year.

Mr. Shertzer made a motion to approve the MMO calculations for the township police and non-uniform pension plans for 2013. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

c. Consideration of Proposals re: ROW Acquisition Services – Strasburg Pk./Windy Hill Rd./ Millstream Rd.

Mr. Hutchison explained that they have been working on this particular intersection project for quite a while. The arrangement that was made a number of years ago was that the project would be developed locally and all the pre-construction work that was necessary in terms of design, permitting, utility relocations, and right-of-way acquisitions would all be done by the township. The project would then be turned over to PennDOT for construction. Once the township gets through all of those things, they will hand the whole package off to PennDOT to bid it and build it at their cost. The township has funded their local activities through a grant that was received from the county. West Lampeter Township also contributed to the funding of this project. PennDOT's acquisition process requires that someone needs to go out and actually go through that process. The township staff does not have the expertise or the capacity to do that work, so the design engineer helped to get proposals from companies that do this kind of work. Three (3) proposals were received and after review, the design engineer is recommending awarding the work to IAS in the amount of \$30,964.53 and authorizing them to work with an independent appraiser to perform the actual appraisal services as needed, up to an amount of \$25,200.00.

Mr. Blowers made a motion to award ROW acquisition services and appraisal services to IAS in the amount of \$30,964.53 and \$25,200.00 for the Strasburg Pike/Windy Hill Road/ Millstream Road intersection project.

Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

d. Real Estate Matter

Chairman Buckwalter stated that he had mentioned at the beginning of the meeting that the Board had held an executive session before tonight's meeting to discuss a real estate matter. Without discussing it in details or providing a lot of information, he just wants to say that they have a real estate matter that they are considering and as a result of the Board's executive session, he believes there is going to be a motion coming forth.

Mr. Shertzer made a motion to authorize township staff to make the efforts necessary to acquire property that would be used for authorized township purposes which is expected to be available for acquisition prior to the Board's next meeting on October 1, 2012 as discussed during an executive session regarding this real estate matter. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Dr. John W. Kreider, 2566 Old Philadelphia Pike, Bird-in-Hand, PA 17505, questioned when the public will know what real estate the township is buying. Chairman Buckwalter stated that they will disclose that at a time when an agreement has been reached. Dr. Kreider stated that he just wanted to know when the tax payers will know what their money is being spent on. Chairman Buckwalter responded that because of the nature of this, they feel that it is inappropriate and in the best interest of the tax payers to not make a public statement about it.

Dr. Kreider stated that he was present to represent 2497 Old Philadelphia Pike Associates. He questioned the letter that he received in the mail about curbing and sidewalk requirements. He feels that it does not make sense for them to put in sidewalks in front of their property, when the neighbors will not have any connecting sidewalks. Chairman Buckwalter explained that Route 340 will be paved next year. There are ten (10) properties along this corridor that had done land development plans. As part of the plans, the owner had agreed to meet the township ordinance to install sidewalks and curbing. The Board deferred the installation until a later time when they felt it was appropriate to install them. They feel this is a good time with the paving project of Route 340.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Shertzer to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, October 1, 2012 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager