

September 12, 2011

The East Lampeter Township Board of Supervisors met on Monday, September 12, 2011, 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. Roger Rutt, Mr. Mike Landis, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager. Mr. John Shertzler was absent.

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

Fred Van Name, Lake Roeder Hillard & Associates, 125A West Main Street, New Holland, PA 17557, representing Isaac Stoltzfus
Ike Stoltzfus, 782 Hartman Station Road, Lancaster, PA 17601
Diane Frame, 227 Granite Run Drive, Lancaster, PA 17601, representing Keystone Custom Homes
Lynn Commero, representing Lancaster Newspapers
John Blowers, 102 Strasburg Pike, Lancaster, PA 17602
Gary Hoover, Ronks, PA 17572, representing Miles Towing

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

Announcement of Executive Session

Chairman Buckwalter announced that there was an executive session held prior to this evening's meeting to discuss personnel matters.

Minutes of August 16, 2011 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the August 16, 2011 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Eberly and seconded by Mr. Landis 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 indicated that bills to be paid from various funds in the amount of \$692,856.27 were presented for payment. Chairman Buckwalter stated that some of the larger items included in that amount were a payment of \$340,532.24 to Fulton Financial Advisors for 2009 debt service for the Sewer Authority, a \$44,800.00 quarterly contribution to be dispersed between the four (4) Township fire companies, a contribution payment of \$13,556.00 to the Lancaster County Drug Task Force, a \$6,000.00 quarterly contribution to the Lancaster County Library, a payment of \$79,000.00 to Morgan Stanley for the police and non-uniform pension, a payment of \$32,756.00 to Susquehanna Municipal Trust for workmen's comp insurance, a payment of \$51,000.00 to Burkholder Paving for the Waterford Drive project, and a payment of \$11,640.00 to A1 Traffic Control Products for line painting.

A motion was made by Mr. Rutt and seconded by Mr. Eberly to approve payment of the bills as listed in the amount of \$692,856.27. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Reduction of Financial Security – Miller/JR Trucking: Greenfield Road

Chairman Buckwalter stated that this request for financial security reduction is for the John Miller/JR Trucking Land Development Plan at 178 Greenfield Road. He asked if anyone was present for this item. No one was in attendance. Chairman Buckwalter stated that the township engineer, David Miller Associates, visited the site on September 2, 2011 and noted items of concern in a letter dated September 9, 2011. It is their recommendation to approve a financial security reduction in the amount of \$143,536.79, which will leave a new outstanding financial security balance of \$20,000.00.

Mr. Eberly made a motion to reduce the financial security for John Miller/JR Trucking by \$143,536.79, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$20,000.00. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

b. Request for Reduction of Financial Security – Mill Creek Square: Rt. 30 East

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance. He explained that High Associates had requested an inspection of Mill Creek Square for a full release of financial security if possible or a reduction. The township engineer, David Miller Associates, visited the site on September 2, 2011 and observed numerous concerns which were listed in a letter dated September 12, 2011. They are recommending a financial security reduction of \$231,441.15, which will leave a new outstanding financial security balance of \$1,000,000.00.

Mr. Landis made a motion to reduce the financial security for Mill Creek Square by \$231,441.15, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$1,000,000.00. Mr. Rutt seconded the motion and it was passed by a vote of three in favor and one abstaining. Chairman Buckwalter abstained due to his employment with the High organization.

c. Request for Reduction of Financial Security – Miller: Hartman Station Road

Chairman Buckwalter explained that Lloyd Miller of Landis Foods is requesting a reduction of the financial security being held. The township engineer, David Miller Associates, visited the site on September 2, 2011 and noted items of concern in a letter dated September 9, 2011. It is their recommendation to approve a financial security reduction in the amount of \$29,868.00, which will leave a new outstanding financial security balance of \$5,000.00.

Mr. Landis made a motion to reduce the financial security for Lloyd Miller/Landis Foods by \$29,868.00, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$5,000.00. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

d. Request for Time Extension to Record Conditionally Approved Plan – Phase 1A
Warrington/Devon Creek: New Holland Pike

Ms. Diane Frame introduced herself as representing Keystone Custom Homes. She explained that on September 9, 2011, she issued a request for a time extension to Mr. Hutchison to record the conditionally approved plan for the Warrington/Devon Creek Plan. They are requesting a time extension with the effective period up to October 20, 2011. She then provided documentation and explained where they are in the process of recording the Warrington/Devon Creek Plan.

Ms. Frame stated that there were six (6) items to be dealt with before recording the plan. The first five (5) items have been successfully executed. The only remaining issue is the posting of the financial security. Ms. Frame submitted the financial documentation to Metro Bank on September 7, 2011, to provide financial security for this project. They anticipate funding for the letter of credit to be in place by September 30, 2011.

Mr. Eberly made a motion to approve the time extension until October 20, 2011 for Warrington/Devon Creek to record the first phase final plan. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

e. Stoltzfus Subdivision Plan #11-15: 782 Hartman Station Road

Mr. Fred Van Name of Lake Roeder Hillard & Associates introduced himself as representing Mr. Isaac Stoltzfus. Mr. Van Name explained that the applicant is proposing to subdivide the parent tract of 82.87 acres to create three (3) lots. The new lots will be occupied by family members of Mr. Stoltzfus. He then reviewed a letter dated August 5, 2011 from David Miller Associates that listed several waivers and other comments.

There was a brief discussion about the fee in lieu of. Mr. Van Name will send a letter to the Township for their review of the proposed fee in lieu of.

Mr. Eberly made a motion to approve the Stoltzfus Subdivision Plan #11-15 for 782 Hartman Station Road granting the waivers listed on the David Miller Associates letter dated August 5, 2011, the deferral of the road improvements, and subject to comments from the Lancaster County Planning Commission. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

f. Request for ECHO Agreement – Isaac Stoltzfus: 782 Hartman Station Road

Mr. Fred Van Name of Lake Roeder Hillard & Associates represented Mr. Isaac Stoltzfus who is requesting an ECHO Agreement for 782 Hartman Station Road. Mr. Van Name questioned the wording about the occupancy.

Mr. Hutchison explained that it is suppose to be a named person who requires care or the name of the person who is the caregiver who would live in the ECHO unit. There was further discussion about the family members who would be permitted to live in the ECHO unit and what the owner is required to do when the qualifying individuals are no longer occupying the unit.

A motion was made by Mr. Rutt to approve the ECHO Agreement for Mr. Isaac Stoltzfus at 782 Hartman Station Road with the agreement being in his grandson's name, Isaac Esh and Miriam Esh. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

g. Request for Conditional Building Permit – Beiler: 12A S. Ronks Road

Mr. John Beiler was present to request a conditional building permit for 12A S. Ronks Road.

Mr. Hutchison explained that Mr. Beiler's interest is to start construction of the proposed dwelling unit as soon as possible so that it is under roof prior to cold weather conditions. The land development plan has been submitted and is going through the process of review. He suspects it to be on the agenda for the second Supervisors meeting in October. Mr. Beiler had a storm water management plan prepared, so there was very little change necessary to make the plan into a land development plan. As he is constructing the

dwelling, he can do all the storm water management items that are required. In the end, he would not be issued an occupancy permit for the new dwelling until the land development plan is actually recorded.

A motion was made by Mr. Landis to approve the conditional building permit for John Beiler at 12A S. Ronks Road with the understanding that an occupancy permit for the new dwelling will not be issued until the land development plan is recorded. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

h. Request for ECHO Agreement – Jacob Stoltzfus: 2249 Leaman Road

Chairman Buckwalter asked if anyone was present for this item. No one was in attendance.

Mr. Hutchison recommended that this item be tabled until the owner is present to explain the situation for this ECHO Agreement request.

A motion was made by Mr. Eberly to table the request for an ECHO Agreement for Mr. Jacob Stoltzfus of 2249 Leaman Road until the October 3, 2011 Supervisors meeting. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

a. Review of Quarry Rezoning Application – Upper Leacock Twp. To Determine General Consistency with Regional Comprehensive Plan

Mr. Rob Lewis, Esq. of Kaplin Stewart Meloff Reiter & Stein, PC introduced himself as representing Talmage Partners, who are the owners of the Talmage Quarry in Upper Leacock Township. He explained that they were previously before the Board in December, which at that time the Board approved their request for the proposed rezoning in Upper Leacock Township and agreed that the expansion of the quarry zone is consistent with the Conestoga Valley Region Strategic Comprehensive Plan that the three municipalities are working together on. At that time they were proposing to rezone 52.8 acres for the expansion of the quarry. There were concerns raised about the expansion extending across Stormstown Road and therefore the rezoning request was withdrawn and a new zoning request was filed which reduces the new rezoning to 38.4 acres.

Mr. Eberly made a motion to agree that this proposed rezoning in Upper Leacock Township for the expansion of the quarry zone is consistent with the comprehensive plan. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Other Business:

a. Request to Use Township Roads for Spina Bifida Run/Walk Event – October 8, 2011

Chairman Buckwalter explained that the Spina Bifida Association is requesting to use the Township roads for their annual run/walk event to be held on Saturday, October 8, 2011.

Mr. Landis made a motion to approve the request to use Township roads for the Spina Bifida Association Run/Walk event on Saturday, October 8, 2011. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

b. Approval of Minimum Municipal Obligation (MMO) Calculations for Township Pension Plans

Mr. Hutchison explained that this is an exercise which is required by State Act 205, which is the municipal pension law in Pennsylvania. It requires that the Board act on the coming year's minimum obligation before September 30 of the previous year. A calculation for each of the pension plans has been prepared, one for the police pension and one for the non-uniform employee pension. 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.

Chairman Buckwalter added that the municipal obligation for the police pension is \$463,512.00 minus the Act 205 reimbursement of \$257,729.00, which gives the Township an obligation of \$205,783.00. The municipal obligation for the non-uniform employee's pension is \$120,712.00 minus the Act 205 reimbursement of \$85,164.00, which gives the Township an obligation of \$35,548.00.

Mr. Rutt made a motion to approve the MMO calculations for the Township pension plans for 2012. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

c. Consideration of Contract with Humane League for 2012 Services

Mr. Hutchison stated that he and Chief Bowman have been doing a good bit of work on this. Chief Bowman actually organized a meeting of municipal officials which was held at East Lampeter Township on September 1, 2011. Officials from across the county were invited and many came to discuss the issues. They heard from a couple of municipalities who have in prior years decided not to contract with the Humane League and listened to how they are doing it and how it is working for them. At the conclusion of that meeting, a small group including Chief Bowman was appointed to have one additional meeting with the executive from the Humane League to discuss all the issues. The meeting was to take place on the afternoon of September 12, 2011. Mr. Hutchison had not heard from Chief Bowman about the outcome of the meeting. Mr. Hutchison is recommending to table this matter until the October 3, 2011 Supervisor meeting.

A motion was made by Mr. Landis to table the consideration of contract with the Humane League for 2012 services until the October 3, 2011 Supervisors meeting. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Public Comment:

Mr. Gary Hoover of Miles Towing addressed the Board concerning the Township towing policy. He questioned about how they are no longer allowed to apply administration and cleanup charges. Chairman Buckwalter asked Mr. Hoover if he was aware that Chief Bowman and staff are working on a revision to the towing policy. Mr. Hoover replied that he was not and then gave examples of situations where he was giving his customers good service and should be allowed to charge them for it. Chairman Buckwalter informed Mr. Hoover that the minutes and agenda are posted on the Township website if he is interested in checking what items are to be discussed at the Supervisors meetings. Chairman Buckwalter also stated that Mr. Hoover would have a chance to address any of his concerns with Chief Bowman when he is contacted to comment on the proposed changes. Mr. Hoover stated that he would like to go back to having zones and 24 hour rotation. Mr. Hoover asked about a burned out vehicle sitting in the Township impound lot and when it could be removed. Mr. Hutchison did not know the status of this. Chairman Buckwalter suggested that Mr. Hoover contact the police department to find out the situation with this vehicle.

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 3, 2011 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager