

September 14, 2009

The East Lampeter Township Board of Supervisors met on Monday, September 14, 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. Roger Rutt, Mr. Michael Landis, and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager. Mr. Glenn Eberly was absent.

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

John Pogue, David Miller Associates, 1076 Centerville Road, Lancaster, PA 17601, representing D & E Property

Mark Hackenburg, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing Commerce/Metro Bank

Steven Levin, 2282 Old Philadelphia Pike, Lancaster, PA 17602

Announcement of Executive Session

Chairman Buckwalter announced that an Executive Session was held prior to the meeting to discuss a personnel issue.

Minutes of August 18, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the August 18, 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. Shertzer 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 then indicated that bills represented by various funds in the amount of \$417,202.98 were presented for payment. Chairman Buckwalter pointed out that this is a larger amount than usual, partially due to the Board having not met for a month because of the Labor Day holiday. He further explained that of the total amount, \$56,750.00 is for quarterly contributions to the four (4) Township fire companies, a debt service payment of \$35,926.00 was made to Fulton Bank, a semi-annual payment of \$7,500.00 to the County DA for the drug task force contribution, a \$7,500.00 quarterly contribution to the Lancaster County Library, a \$140,000.00 deposit to the Township pension plans for the 2009 MMO, a payment of \$32,573.00 was made to the Susquehanna Municipal Trust for workmen's comp insurance, a payment to Wiley Insurance for nearly \$20,000.00 for property and casualty coverage, and \$13,264.00 was paid to Horst Excavating for work performed at the Lafayette Tower Park.

After reviewing the bills listed, a motion was made by Mr. Rutt and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$417,202.98. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Financial Security Reduction – Satguru (Wingate Hotel): Rt. 30 East

Chairman Buckwalter explained that Satguru (Wingate Hotel) are requesting the financial security current account balance of \$178,942.00 be released. The Township engineer visited the project site and is recommending that \$158,942.00 be released, which will leave a new outstanding financial security balance of \$20,000.00.

Mr. Shertzer made a motion to grant the request to reduce the financial security for Satguru (Wingate Hotel) in the amount of \$158,942.00, leaving a balance of \$20,000.00, as recommended by the Township engineer. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

b. Request for Financial Security Reduction – High Associates: Independence Court

Chairman Buckwalter explained that High Associates are requesting the full amount of financial security for Building #354 on Independence Court be released. The current account balance is \$320,905.20. The Township engineer visited the project site and observed several concerns, which are listed in their letter dated September 10, 2009. Therefore, they are recommending that \$234,460.90 be released, which will leave a new outstanding financial security balance of \$86,444.30.

Mr. Shertzer made a motion to grant the request to reduce the financial security for High Associates Building #354 on Independence Court in the amount of \$234,460.90, leaving a balance of \$86,444.30, as recommended by the Township engineer. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

c. Request for Time Extension to Record Conditionally Approved Commerce Bank/
Metro Bank Land Development Plan #09-17: Lincoln Hwy. East

Mr. Mark Hackenburg of RGS Associates introduced himself. On behalf of his client, he is requesting that the Board grant a ninety (90) day extension of time to record the Revised Final Land Development Plan. Mr. Hackenburg explained the reason for this request is to allow time to finalize the architectural plans for the bank since it has now merged with Metro Bank.

Mr. Landis made a motion to grant Commerce Bank/Metro Bank Land Development Plan #09-17 on Lincoln Hwy. East a ninety (90) day time extension to end on December 13, 2009, to record the plan. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

d. Request for Time Extension to Record Conditionally Approved D & E Properties
Land Development Plan #09-22: Lincoln Hwy. East

Mr. John Pogue of David Miller Associates introduced himself as representing D & E Properties. Mr. Pogue explained that the Board had previously granted an extension of time until September 14, 2009 to record the plan. He added that although significant progress has been made towards meeting all the requirements of the approval, signatures are still needed in order to record the plan. Therefore, his client is requesting additional time until October 20, 2009 to record the plan.

Mr. Shertzer made a motion to grant the time extension to record the D & E Properties Land Development Plan #09-22 on Lincoln Hwy. East until October 20, 2009. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

e. Time Extension for Review and Action – Cove Restaurant Land Development Plan #09-15: Millcross Road

Mr. Hutchison explained that this plan has not gone through the process fully. They have prepared and made application. The plan has been reviewed and meetings with the staff have been held to address some of the reviewed comments. They are requesting more time to resolve some of the issues.

Mr. Shertzer made a motion to grant Cove Restaurant Land Development Plan #09-15 on Millcross Road a ninety (90) day time extension to end on December 13, 2009, to review and act on the plan. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

New Business:

a. Request for Waiver of Land Development Planning – Levin: 2282 Old Philadelphia Pike

Mr. Steve Levin introduced himself and explained his plan. The property was previously rented to an individual who had an auto sales and repair business. It is now rented to one individual who operates an auto sales business only and does not wish to do repairs. Mr. Levin would like split the location into two (2) businesses, one for the auto sales and the other for auto repairs.

A letter dated September 10, 2009 from the Township Zoning Officer was then reviewed. Mr. Hutchison questioned how many parking spaces are on the site, since thirteen (13) spaces would be required for this site.

Mr. Levin responded that there are easily twenty-seven (27) spaces on the site.

Mr. Hutchison stated that Mr. Levin may be able to fit twenty-seven (27) cars in the area, but the ordinance requires a certain amount of space for each car and where they are located. He asked if the spaces marked on the site plan are 9' feet wide, 10' feet wide, 12' feet wide, or what exactly they are.

Mr. Levin replied that he was not sure how wide they were.

Mr. Hutchison responded that the ordinance has certain requirements for the design of the parking spaces and if he was short this would be something the Zoning Hearing Board would have to deal with.

Mr. Levin asked if he would need to come back to the next Supervisors meeting with the dimensions of the parking spaces.

Mr. Hutchison replied no and that Mr. Lee Young, Township Zoning Officer, would verify the size and number of parking spaces meet the ordinance and then that would be the end of it.

Chairman Buckwalter asked Mr. Levin if he noted item number five (5) on the letter that states the installation of curbing and sidewalks. Chairman Buckwalter explained that generally when there is a change in land development plan, the Township asks that the road standards be brought

up to include curbing and sidewalks. However, in a situation where there are no curbs or sidewalks on adjacent properties, the Township can defer the installation of sidewalks and curbs until a later date when the adjoining properties would also install them.

Mr. Hutchison stated that he and Mr. Young had discussed this project and the only concern that they both had was at times the location of the vehicles on the lot can cause visibility problems with cars coming up Elmwood Road to see onto Old Philadelphia Pike.

Mr. Shertzer made a motion to grant the requested waiver of land development plan processing subject to the applicant addressing the comments listed on Mr. Young's letter dated September 10, 2009, verifying conforming parking spaces, defer curbing and sidewalks until future requirement, creating control of entrance, and set back of parking vehicles – possibly using wheel stops. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Other Business:

a. Resolution to Accept Dedication of Roads – Lap Ridge East

Mr. Hutchison explained that the installation of roads in this small subdivision are complete and the paperwork is in order for the dedication of a portion of Bonneville Drive and Dolly Lane to the public road system of East Lampeter Township.

Mr. Landis made a motion to accept the dedication of the roads in Lap Ridge East subdivision. The motion was seconded by Mr. Rutt and passed by unanimous voice vote. (Resolution #2009-21)

b. Request to Use Township Roads for Spina Bifida Run / Walk / Roll – Greenfield Corporate Center: Sunday, October 11, 2009

Mr. Hutchison explained that this is an event that has happened annually for a number of years and there have never been any issues with it. He added that they have provided evidence of insurance and they do provide some traffic control, though they do not close any of the Township roads for this event.

Mr. Landis made a motion to approve the request to use Township roads for the Spina Bifida Run / Walk / Roll event to be held at Greenfield Corporate Center on Sunday, October 11, 2009. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

c. Reappointment to ELSA for 5 Years with Term Ending 9/7/14 – Mr. Wayne Beaner

Chairman Buckwalter asked Mr. Hutchison if Mr. Beaner had indicated his willingness to serve on the East Lampeter Sewer Authority (ELSA) Board for another five (5) years. Mr. Hutchison responded that Mr. Beaner had indicated his interest to serve another term.

Mr. Shertzer made a motion to appoint Mr. Wayne Beaner to ELSA for another five (5) year term ending on 9/7/14. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

d. Pension Plans MMO's for 2010

Mr. Hutchison explained that every year the township is required by law to prepare this calculation for each of the pension plans, one for the police pension and one for the non-uniform employee pension. This plan must then be submitted to the state as part of the ongoing Act 205

requirements. This identifies the minimum amount that has to be deposited to each of the pension plans in the coming year. He added that this then becomes a budgeting tool for the Township as they prepare the 2010 budget.

Mr. Shertzer made a motion to approve the MMO pension plans for 2010. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

e. Consideration of Humane League Contract for 2010

Mr. Hutchison stated that this item has been a point of conversation between his peers for some time now. He added that there was a meeting held within the last couple of weeks that included municipal managers, police chiefs, finance personnel, representatives from the Humane League, the state dog law officer for this area, and others who participated in this meeting to discuss this issue and to find an alternative method of meeting the Humane League needs as well as meeting the municipal needs. The Township has an obligation under state law to deal with stray dogs and historically has dealt with the Humane League for this reason.

Mr. Hutchison continued that last year was the first year that the Humane League switched to a per-capita billing plan. Before that, the cost was a per-dog basis of \$100.00 per dog delivered to the Humane League. The cost for 2009 for East Lampeter Township was thirty (30) cents per capita for a total of a little more than \$4,000.00. For 2010, the Humane League is requesting sixty (60) cents per capita that will cost the township a little over \$8,100.

Mr. Hutchison explained that he and Chief Bowman have discussed what would be needed in order to hold the dogs here. These costs would include building kennels and absorbing the costs to feed, exercise and provide medical care for stray dogs until a state dog law officer can claim them.

Mr. Landis questioned if we could agree to the sixty (60) cents per capita, but request it to remain that amount for the next three (3) years.

Mr. Hutchison replied we could request that, but their response would probably be “we’re off the list”.

Mr. Shertzer made a motion to approve the Humane League contract for 2010. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Public Comment:

There were no public comments.

Adjournment:

A motion was made by Mr. Landis 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 5, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager