

October 18, 2011

The East Lampeter Township Board of Supervisors met on Tuesday, October 18, 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. John Shertzer, Mr. Roger Rutt, Mr. Mike Landis, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Herb Landau, 125 N. Duke Street, Lancaster, PA 17602, representing Lancaster Public Library  
Michael Saxinger, M. L. Saxinger & Associates, 1271 Lititz Pike, Lancaster, PA 17601, representing William Cheek  
Jim Martin, American Music Theatre, 2425 Lincoln Highway East, Lancaster, PA 17602  
Dwight H. Brubaker, American Music Theatre, 2425 Lincoln Highway East, Lancaster, PA 17602  
Cindy Barley, 46 Hillcrest Avenue, Leola, PA 17540, representing Leola Branch Library  
Rev. Grace L. Shirk, PO Box 154, Smoketown, PA 17576, representing Leola Library  
Jim Dougherty, 1698 Millersville Pike, Lancaster, PA 17603, representing Lancaster Public Library  
Robert Brim, 2017 Singletree Lane, Lancaster, PA 17602, representing Absolute Towing LLC  
Bill Cheek, 2168 Waterford Drive, Lancaster, PA 17601

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

#### Minutes of October 3, 2011 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the October 3, 2011 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Shertzer and seconded by Mr. Rutt 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 \$159,840.00 were presented for payment. Chairman Buckwalter stated that one of the larger items included in that amount is a payment of \$13,519.94 to M&T Bank for the lease purchase of the Gap Vax truck.

A motion was made by Mr. Rutt and seconded by Mr. Landis to approve payment of the bills as listed in the amount of \$159,840.00. The motion was passed by unanimous voice vote.

#### Old Business:

- a. Request for Reduction of Financial Security: East Lancaster Hospitality – Eastbrook Road

Chairman Buckwalter stated that this request for financial security reduction is for East Lancaster Hospitality on Eastbrook 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 29, 2011 and noted items of concern in a letter dated October 12, 2011. It is their recommendation to approve a financial security reduction in the amount of \$74,319.17, which will leave a new outstanding financial security balance of \$20,000.00.

Mr. Shertzer made a motion to reduce the financial security for East Lancaster Hospitality by \$74,319.17, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$20,000.00. The motion was seconded by Mr. Rutt 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 of the \$1,000,000.00 balance remaining for Bond No. 8216-49-60. The township engineer, David Miller Associates, has listed items of concerns in a letter dated October 11, 2011. They are recommending a financial security reduction of \$937,454.60, which will leave a new outstanding financial security balance of \$62,545.40.

Mr. Shertzer made a motion to reduce the financial security for Mill Creek Square by \$937,454.60, as recommended by David Miller Associates, leaving a new outstanding financial security balance of \$62,545.40. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

c. Request for Release of Financial Security: Mill Creek Square (Sewers) – Rt. 30 East

Chairman Buckwalter stated that the township engineer, David Miller Associates, tested the manhole MH-1 on Pleasant Drive and it performed satisfactorily. In their letter dated October 11, 2011, they are recommending a full release of the financial security for Bond No. 8216-49-67 in the amount of \$4,050.00 be released.

Mr. Landis made a motion to release the remaining financial security for Bond No. 8216-49-67 in the amount of \$4,050.00 for Mill Creek Square as recommended by David Miller Associates. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

d. Resolution on Policy re: Fees for Stray Dog Handling and Care – 2012

Mr. Hutchison explained that the Board decided at the October 3, 2011 meeting to not contract with the Humane League for 2012 for the handling and care of stray dogs in the Township. It was decided to temporarily house and care for stray dogs at the Township's facilities. When the dog is returned to the owner, fees would be collected for the capture and handling of the dog and also for housing and care. The fee would be a onetime \$50.00 charge for the capture and handling and a daily fee of \$10.00 per day for the housing and care of the dog. If the owner does not contact the Township, the dog will be turned over to the State dog law officer who would pick-up the dog and take it to Berks County where they have an operation similar to the Humane League. This resolution would give the Township staff the authority to charge the fees established for this service.

Mr. Shertzer made a motion to adopt the resolution allowing staff to charge a onetime fee of \$50.00 for the capture and handling of stray dogs and a daily fee of \$10.00 per day for the housing and care of the dog beginning January 1, 2012. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

e. Non-Preference Tow Policy

Chairman Buckwalter stated that this policy was discussed at the October 3, 2011 Supervisor meeting and there were some suggested modifications to the new proposed policy. Chief Bowman took note of these suggestions and has made some changes.

Chief Bowman reviewed the changes which included adding \$5.00 to each of the fees charged and also creating an administrative fee of \$40.00. The administrative fee is defined as a onetime fee which is intended to cover circumstances where the tow company owner or operator must coordinate visits or phone calls or other business associated with the towed vehicle when it is towed and stored in the operator's lot. There were also changes made to the procedure section of the policy.

Mr. Landis asked if this revised final draft would be sent out to the operators again?

Chief Bowman replied that he wanted to present it to the Board before forwarding it to the tow operators.

There was a discussion between the Board members as to whether they should send out the draft copy of the policy before voting to adopt the policy.

Mr. Robert Brim of Absolute Towing stated to the Board members that he feels ample time has been given and that it's time to move on.

Mr. Shertzer made a motion to accept the Non-Preference Towing Policy that has been presented to the Board. The motion was seconded by Mr. Eberly and passed by a vote of three in favor and two opposing. (Mr. Rutt and Mr. Landis voted against the motion).

f. Amended Declaration of Taking re: Rt. 30 @ Tanger Intersection Improvements

Mr. Hutchison explained that the Board previously took action related to the improvements at the intersection of Rt. 30 and Tanger, which involved the declaration of taking. During the process of completing those improvements, it was discovered that property on the opposite side of the highway in front of the Sonic Restaurant was also involved and had to be addressed. An agreement was pursued with that property owner, resolved and as a result an amended declaration of taking which includes their property to facilitate those improvements is before the Board now. It has been agreed to by all the property owners and just needs action by the Board to authorize it.

Mr. Eberly made a motion to approve the amended declaration of taking for the Rt. 30 and Tanger intersection. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

New Business:

a. Beiler Land Development Plan #11-20: 12A S. Ronks Road

Mr. John Beiler introduced himself as the applicant for this plan.

Chairman Buckwalter reviewed the waivers and deferrals listed in the letter dated September 27, 2011 from David Miller Associates.

Mr. Hutchison stated that there were a couple of comments offered by the County Planning Commission, which Mr. Beiler and his consultant have agreed to make those changes. The Township Planning Commission recommended conditional approval subject to the comments of the Township engineer and the County Planning Commission.

Mr. Eberly made a motion to approve the Beiler Land Development Plan #11-20 for 12A S. Ronks Road including the two (2) waivers and the four (4) deferrals contingent upon meeting the requirements listed in the David Miller Associates letter dated September 27, 2011 and the Lancaster County Planning Commission letter dated September 12, 2011. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Request for Waiver of Township Plan Review: 1750 & 1760 Lincoln Highway East

Mr. Michael Saxinger of M. L. Saxinger & Associates introduced himself and Mr. William Cheek the owner of both of these lots. Mr. Saxinger explained that they are proposing to build a garage on the back section of lot #2 and eliminate the sheds that are currently there.

Chairman Buckwalter noted the letter from Mr. Lee Young, Township Zoning Officer. In the letter, Mr. Young states that the requested deferral is recommended by staff with the following conditions being met: 1) an access easement across Lot #1A for access to Tennyson Drive for Lot #1 should be added to the plans; and 2) the sewer lateral servicing Lot #2 that crosses Lot #1 should be contained within an easement.

A motion was made by Mr. Landis to approve the request for waiver for the William Cheek subdivision lot add-on plan, subject to the letter from Mr. Lee Young dated October 17, 2011. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

Other Business:

a. Presentation by Lancaster County Library

Mr. Herb Landau, Executive Director of the Lancaster Public Library introduced himself, Mr. Jim Dougherty, member of the Board of Trustees, and Cindy Barley who is the manager of the Leola Library. He thanked the Board members for their annual financial support to the library. He provided the Board members with a brief report on East Lampeter Township resident's use of Library facilities and services as well as information on their sources of funding. He requested that the Board consider an increase in the amount of support in the Township's 2012 budget, due to the massive cut in state aid over the past four (4) years.

Chairman Buckwalter asked how it would impact the library if our state legislators would allow the library to do some fee for services type of activity. Would this be a limitation for the library or a benefit?

Mr. Landau replied that it would be a benefit, being that it would help the library generate income. In June, they started charging a \$1.00 a week rental fee for current DVDs. The state librarian was objective to it. He added that they have the Duke Street Business Center which is funded by state money. Businesses come and ask for help with business plans and competitive intelligence. They offer to pay the library, but the state says that they cannot accept the money.

b. Earned Income Tax Ordinance Adoption

Mr. Hutchison explained that Act 32, which was adopted in 2008, has finally arrived at being required to be implemented. Starting in January 2012, the entire commonwealth will be under the new Act 32 system, which has reduced the number of tax collectors from over some 500 down to just 20. They're all county based organizations now. Although this is not a change for Lancaster County, it is a big change across the state. There are a variety of other changes to the law which require municipalities to readopt the Earned Income Tax Ordinance to be in compliance and to continue to collect the tax. During this process, the Lancaster County Tax Collection Bureau also suggested that municipalities consider whether or not they want to adopt a non-resident earned income tax which the Township has not had in the past. This ordinance as drafted includes a non-resident earned income tax provision. If the Board would like to adopt this ordinance as is, they may do so. If they want to adopt it without the non-resident earned income tax provision, they may also do that. The state must be notified by December 1, 2011 of the new ordinance.

Chairman Buckwalter clarified that the non-resident earned income tax is limited to only persons that do not live in this township and also would not have an earned income tax where they live.

Mr. Hutchison replied that this is correct. The standard earned income tax is applied to the township residents. Wherever they work, whether it is in the township or not, they are required to pay the earned income tax as a resident of the township. That earned income tax then comes back to be split between their township of residence and their school district of residence.

After a brief discussion, Chairman Buckwalter asked if there were any comments from the audience.

Mr. Jim Martin of American Music Theatre introduced himself and asked if entertainers who perform at the theatre and are under corporate entities would be exempt?

Mr. Hutchison replied that this would be something that the Lancaster County Tax Collection Bureau would have to decide who it applies against. He suggested getting a meeting put together with the Lancaster County Tax Collection Bureau and American Music Theatre to discuss this matter.

No action was taken on this item. It was tabled until the November 14, 2011 meeting.

Public Comment:

Rev. Grace L. Shirk, PO Box 154, Smoketown, PA 17576, addressed the Board about being a library user. In every community that she has lived in, she has always used the library. She stated how wonderful the library and staff is at the Leola branch. She thanked the Board for their decision to help with the funding of the library over the past years and hope they continue.

Adjournment:

A motion was made by Mr. Eberly and seconded by Mr. Landis to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, November 14, 2011 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager