

December 21, 2010

The East Lampeter Township Board of Supervisors met on Tuesday, December 21, 2010, 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, and Mr. Michael Landis. Also present was Mr. Ralph Hutchison, Township Manager. Mr. Glenn Eberly was absent.

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

Mark Compton, Talmage, PA, representing ICM

Jim Bolinger, Talmage, PA, representing ICM

Joe Webber, 2487 Willow Hill Drive, Lancaster, PA 17602, representing Willow Acres Development

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

Minutes of December 6, 2010 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the December 6, 2010 regular meeting as prepared. There were no comments.

A motion was then made by Mr. Landis 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 \$94,464.52 were presented for payment. Chairman Buckwalter stated that included in that amount are a payment of \$10,500.00 to High Real Estate Group for reimbursement of funds that were deposited in escrow related to Tanger condonation process, and a \$4,213.05 payment to T & W Traffic Control for the Township's contribution for the cost of the LED traffic light conversion.

A motion was made by Mr. Shertzer and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$94,464.52. The motion was passed by unanimous voice vote.

Old Business:

None

New Business:

- a. Resolution for Millcreek Fence Sewer Planning Module re: Final Land Development Plan #10-29: 360 Mount Sidney Road

Chairman Buckwalter asked if anyone was present for this item. There was no one present. Chairman Buckwalter suggested to table this item until later in the meeting to see if anyone shows up to represent it.

- b. Request for Waiver of Land Development Plan Processing – PA Dutch Convention & Visitors Bureau: 501 Greenfield Road

Mr. Dan LaFauci of the PA Dutch Convention & Visitors Bureau introduced himself and Mr. Phil Poorman, owner of Mr. Sticky's Sticky Buns. They are requesting a waiver of land development plan processing to allow the placement of Mr. Sticky's Sticky Buns sales trailer on the site at 501 Greenfield Road. Mr. LaFauci reviewed the plan showing the location of the trailer.

Mr. Rutt questioned the time frame that the trailer would be at this site.

Mr. LaFauci responded that it would be there from March through November.

Mr. Rutt asked if this is a one year application.

Mr. LaFauci replied that they are happy to have them as long as they plan on working from this site and have no limit for time.

Mr. Rutt made a motion to approve the request for waiver of land development plan processing for Mr. Sticky's Sticky Buns and the PA Dutch Convention & Visitors Bureau at 501 Greenfield Road, with the Board maintaining the right to review how the operation is going at the end of each calendar year. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

c. Comprehensive Plan Consistency Determination re: Proposed Rezoning in Upper Leacock Township for Quarry Zone Expansion

Mr. Rob Lewis, Esq. from Kaplin Stewart was representing Talmage Partners who are the owners of Talmage Quarry. Mr. Lewis made a presentation on the proposed expansion of the quarry operations. He explained that although the property is in Upper Leacock Township, they are seeking East Lampeter Township's sign off on a proposed amendment to the regional land use map. The existing quarry is 73 acres and they are proposing to expand to 132 acres which will enable the quarry to operate for another 70-75 years.

After a brief discussion, Mr. Shertzer 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 that the three municipalities are working together on. Mr. Rutt seconded the motion and it was passed by a vote of three in favor and one abstaining. Mr. Landis abstained.

Other Business:

a. Adoption of 2011 Budget for all Funds

Chairman Buckwalter stated that the 2011 proposed budget has been a matter of public record for a month.

Mr. Hutchison explained that the draft budget as it was advertised included all of the Township's operating funds and two (2) pension funds for the Township employees. The operating funds include the general fund which is where the bulk of the activity is handled in terms of revenues and expenditures. The second largest fund is the sewer fund that is used to operate the revenues and expenditures for the operation of the public sewer system. There are a variety of other smaller funds such as the street light fund, capital reserve fund, park land reserve fund, highway aid fund, and an insurance fund. All of those together amounts to about \$12 million dollars in operating activity of the general fund is about \$8 million dollars of that activity. The draft budget as it was prepared is a balance budget, so no real estate tax increase is required. Mr. Hutchison added that the only area included in the budget that has a change in fee structure is the rental of the park pavilions. Currently the fees are \$40 and \$50 dollars depending on

which pavilion is rented and have been this amount for quite some time. It is included in the draft budget to increase the fees to \$50 and \$60 dollars.

Mr. Shertzer made a motion to approve the budget as presented. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Resolution to Establish 2011 Real Estate Tax Rate

Chairman Buckwalter stated that the 2011 Real Estate Tax will be set at the same level as 2010 at 1.462 mills.

Mr. Rutt made a motion to adopt the 2011 Real Estate Tax Resolution as prepared with the millage set at 1.462. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

c. Ordinance re: Cable TV Franchise Agreement Renewal

Mr. Hutchison explained that when we talk about a franchise agreement for cable TV, it is a non exclusive kind of franchise. Although the Township only has one cable operator at this point, the agreement does not preclude any other operator from moving into the community. They would also need to have a franchise agreement with the Township. The agreement that the Township is operating under currently was for fifteen (15) years with Comcast. The term of this existing agreement would have expired in February of 2012. The Township elected to work with four (4) other communities in the LIMC area since they all have terms about to expire. The new agreement would be for a ten (10) year renewal term and provides benefits to the Township including a franchise grant which the Township had not gotten in the past.

Mr. Shertzer asked if the grant is annually.

Mr. Hutchison replied it is a onetime grant.

Mr. Shertzer made a motion to adopt the ordinance for the Cable TV Franchise Agreement Renewal between East Lampeter Township and Comcast of Southeast Pennsylvania LLC. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

d. Appointment of Municipal Representative and Alternate to the LCTCB Board – CV Region:  
Ralph Hutchison, Representative & Mr. Pat Barrett, West Earl Township Manager, Alternate

Mr. Shertzer made a motion to appoint Mr. Ralph Hutchison as the Municipal Representative to the LCTCB Board – CV Region and Mr. Pat Barrett, Township Manager for West Earl Township as an alternate. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business (continued):

a. Resolution for Millcreek Fence Sewer Planning Module re: Final Land Development Plan  
#10-29: 360 Mount Sidney Road

After a brief discussion between the Board members and Mr. Hutchison, Mr. Shertzer made a motion to accept the resolution for Millcreek Fence Sewer Planning Module for Final Land Development Plan #10-29 at 360 Mount Sidney Road. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Public Comment:

Mr. Joe Webber, 2487 Willow Hill Drive, Lancaster, PA 17602, asked the Board members if they had received his letter dated December 14, 2010 in regards to Chick-fil-A. Mr. Hutchison responded that he had the letter but did not make copies of it for the Board members since it was not an agenda item. Mr. Webber had copies of the letter and distributed them to the Board members. Mr. Webber highly recommended that a traffic impact study be completed. Mr. Webber further discussed his concerns about the traffic exiting Chick-fil-A and going through the development.

Adjournment:

A motion was made by Mr. Shertzer 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, January 3, 2011 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager