

January 5, 2009

The East Lampeter Township Board of Supervisors met on Monday, January 5, 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. John Shertzer, Mr. Roger Rutt, Mr. Michael Landis, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601

Board of Supervisors Reorganization:

a. Appointment of Temporary Chairman

Mr. Shertzer was appointed to serve as the Temporary Chairman for the election of Chairman.

b. Election of Chairman

Mr. Shertzer asked for nominations for the position of Chairman of the Board of Supervisors for 2009. Mr. Eberly then made a motion to nominate Mr. Buckwalter for the position of Chairman of the Board of Supervisors. Mr. Landis seconded the motion. Mr. Rutt then moved to close the nominations for the position of Chairman of the Board of Supervisors. Mr. Eberly seconded the motion to close the nominations for the position of Chairman of the Board of Supervisors. The motion passed by unanimous voice vote. Mr. Shertzer then announced that Mr. David Buckwalter would be the Chairman of the Board of Supervisors for 2009.

c. Election of Vice Chairman

Mr. Buckwalter thanked the Board for their confidence in electing him to serve as Chairman. He then asked the Board for nominations to the position of Vice Chairman of the Board of Supervisors for 2009. Mr. Shertzer then made a motion to nominate Mr. Rutt to the position of Vice Chairman of the Board of Supervisors. Mr. Eberly seconded the motion. Mr. Eberly then moved to close the nominations for the position of Vice Chairman of the Board of Supervisors. Mr. Landis seconded the motion to close the nominations for the position of Chairman of the Board of Supervisors. The motion passed by unanimous voice vote. Chairman Buckwalter then announced that Mr. Roger Rutt would be the Vice Chairman of the Board of Supervisors for 2009.

Announcement of Executive Session:

Chairman Buckwalter announced that an Executive Session was held on December 22, 2008, to discuss personnel issues.

Annual Appointments:

- a. Appointment of Township Solicitor – Blakinger, Byler & Thomas, Stephen M. Kraybill, Esq.

Mr. Eberly made a motion to appoint the law firm of Blakinger, Byler & Thomas with Mr. Stephen M. Kraybill, Esq. as Township Solicitor. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

- b. Appointment of Township Engineer & Alternates – David Miller & Assoc., Rettew Assoc., HRG, Inc. and Grove Miller Engineering

Mr. Rutt made a motion to appoint David Miller & Assoc., Rettew Assoc., HRG, Inc. and Grove Miller Engineering as Township Engineer and alternates. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- c. Appointment of Vacancy Board Chairman – Mr. J. Jacob Bare

Chairman Buckwalter asked Mr. Hutchison if Mr. Bare had indicated his willingness to serve in this position for 2009. Mr. Hutchison responded that Mr. Bare is willing to serve.

Mr. Landis then made a motion to appoint Mr. J. Jacob Bare to serve as Vacancy Board Chairman for 2009. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- d. Appointment of Depositories – PLGIT, M & T Bank and PNC

Mr. Eberly made a motion to appoint PLGIT, M & T Bank and PNC as Township Depositories for 2009. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Mrs. Lois Duling questioned what the initials stood for.

Mr. Hutchison explained that PLGIT stood for Pennsylvania Local Government Investment Trust and that M & T is just the name of the bank.

- e. Resolution re: Appointment of CPA firm to perform 2008 Audit

Chairman Buckwalter asked Mr. Hutchison to comment on this agenda item. Mr. Hutchison indicated that each year the Township has a CPA firm perform a complete financial audit of the Township's funds. He further indicated that the firm of Weinhold Nickel has performed this audit for many years and that he recommended that they be appointed to perform the 2008 audit for the Township. Mr. Hutchison also indicated that the appointment must be made by Resolution according to Township code.

Mr. Shertzer then made a motion to adopt Resolution number 2009-01 appointing the CPA firm of Weinhold Nickel to perform the 2008 audit for the Township. The motion was then seconded by Mr. Landis and passed by unanimous voice vote.

f. Appointment of State Convention Delegates and Voting Delegate

Chairman Buckwalter indicated that in past years all of the Supervisors have been appointed as delegates and that the Township Manager has been appointed as the voting delegate. Mr. Rutt then made a motion to appoint all of the Supervisors as delegates and to appoint Mr. Hutchison as the voting delegate for the Township to the State Association Convention. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Appointments to Vacant Positions and Reappointments:

a. Emergency Services Committee – Fill Vacant Term Ending 12/31/09

i. Hand In Hand Fire Company Alternate – Mr. Lonnie Kauffman

Mr. Hutchison explained that Mr. Jim Martin had been the alternate for Hand In Hand Fire Company and has resigned. Hand In Hand Fire Company has recommend Mr. Lonnie Kauffman, who is the fire chief for Hand In Hand, to fill this position.

Mr. Landis then made a motion to appoint Mr. Lonnie Kauffman to serve as Hand In Hand Fire Company Alternate for the term ending 12/31/09. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

b. Emergency Services Committee – Two Year Terms Ending 12/31/10

i. Hand In Hand Fire Company Representative – Mr. Tim Hoerner

ii. Lafayette Fire Company Citizen Representative – Mr. Bruce Paul

iii. Lafayette Fire Company Alternate – Mr. David Phillips

iv. Ronks Fire Company Alternate – Mr. Steve Gribble

v. Witmer Fire Company Citizen Representative – Mr. Manny Lapp

vi. Witmer Fire Company Alternate – Mr. Stephen King

vii. Township Citizen Representative – Mr. Claire Graham

viii. Township Alternate – Mr. David Buckwalter

Chairman Buckwalter read the names listed above to fill two (2) year terms on the Emergency Services Committee to end on 12/31/10. Mr. Shertzer then made a motion to appoint these individuals to the Emergency Services Committee. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

c. LIMC Greenway & Parks Advisory Board (Recommendation) – Mr. Conrad Kasperson (Park Board Member)

Mr. Hutchison stated that Mr. Kasperson has been the Township representative for the LIMC Greenway & Parks Advisory Board and has agreed to continue. Mr. Rutt made a motion to appoint Mr. Kasperson as the Township representative for the LIMC Greenway & Parks Advisory Board. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Establishment of Treasurer's Bond Amount - \$1,200,000:

Mr. Landis then made a motion to approve the Treasurer's Bond amount of \$1,200,000. Mr. Rutt seconded the motion which was then passed by unanimous voice vote.

Minutes of December 16, 2008 Regular Meeting:

Chairman Buckwalter asked if there were any comments or corrections to the minutes from the December 16, 2008 meeting as prepared. A motion was then made by Mr. Eberly 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 then indicated that bills represented by various funds in the amount of \$75,164.36 were presented for payment. After review of the bills listed, a motion was made by Mr. Landis and seconded by Mr. Shertzer to approve payment of bills as presented in the amount of \$75,164.36. The motion was passed by unanimous voice vote.

Old Business:

- a. Request for Time Extension to Record Approved Plan – King Subdivision: Irishtown Road

Mr. Rutt made a motion to approve the time extension until March 5, 2009, for the David and Lydia King application. Mr. Shertzer seconded the motion which was then passed by unanimous voice vote.

New Business:

- a. John's Home Sales Storm Water Management Plan #08-38: Lincoln Hwy. East

Chairman Buckwalter asked if there was anyone in the audience for this item. There was no one present. Mr. Hutchison stated that staff has recommended that this plan be rejected by the Board.

Mr. Hutchison explained that some time ago there was a lot add on plan that was recorded that a portion of the neighboring farm was added to this property. Subsequent to that, the business operator expanded on to that property that they acquired without getting the necessary land development and storm water management approvals. When they were notified about this, they did finally prepare a storm water plan which did not address any of the land development issues and after review of the storm water plan, staff found that it too was lacking. They have not responded to any of these issues.

Therefore the staff is recommending that the Board reject this plan and will move forward with appropriate prosecution for violating the ordinances.

Chairman Buckwalter noted that the Planning Commission has also recommended denial of this request.

Mr. Landis made a motion to deny the storm water management plan for John's Home Sales. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

Other Business:

a. Resolution re: Police Officer Contributions to Police Pension Plan (2.5%)

Mr. Hutchison explained that each year the Township is required to adopt resolutions establishing the percentage of pay rate that employees will contribute to the pension plans. The State Auditor General's officer will look for these resolutions when performing their regular audits. Both the police officers and the non uniform employees rates are set at 2.5%.

Mr. Hutchison added that through negotiations with the police officers and the new agreement, their rate will be changing in 2009. This agreement has not been finalized, so the Board must adopt one in the interim at the rate that was in the previous agreement so the deductions can continue. When the new agreement is finalized, a new resolution will be adopted to reflect the change.

Mr. Eberly made a motion to adopt the resolution for the police officers contribution to the pension plan set at 2.5%. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

b. Resolution re: Non Uniform Employees Contributions to Pension Plan (2.5%)

Mr. Eberly made a motion to adopt the resolution for the non uniform employee contribution to the pension plan set at 2.5%. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

c. Notice of Intent re: LCPC Municipal Transportation Grant

- i. Rt. 30 at Greenland Drive
- ii. Rt. 896 at Rockvale Road

Chairman Buckwalter explained that notice of intent to submit an application for transportation grants need to be sent in for these two (2) projects.

Mr. Hutchison added that the county has operated this grant program for a number of years and he believes that both of these projects would compete well for grant funds. He stated there it is a small likelihood that funding would be given for both.

Mr. Eberly made a motion to submit a notice of intent for both projects to the LCPC Municipal Transportation Grant. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

d. Consideration of Industrial Waste Ordinance Adoption

Mr. Hutchison explained that the regulatory agencies that oversee the sewage treatment plant operations look at the industrial wastes that are flowing into the plant. They have decided that the parameters for discharge from the plant need to be adjusted. Therefore, they ask everyone who contributes flow into the treatment plants to adjust their industrial waste discharges accordingly.

Mr. Hutchison added that the previous Industrial Waste Ordinance is similar to this one except that the parameters are slightly different.

Mr. Landis made a motion to adopt the Industrial Waste Ordinance as presented. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote. Ordinance Number 276.

Public Comment:

Chairman Buckwalter asked if there were any public comments.

Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, stated that she wanted to make some comments about the conditional use hearing.

Chairman Buckwalter told Mrs. Duling that she may make her comments, but that the Board would not be able to respond since the parties involved are not present.

Mrs. Duling commented about the architectural design of the buildings in East Lampeter Township and pointed out that the peaks of the roofs are too flat and that the peaks could be made into a third floor.

Chairman Buckwalter did state that at the previous hearing, the Township Solicitor did raise questions concerning the architecture.

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 Tuesday, January 20, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager