

March 4, 2013

The East Lampeter Township Board of Supervisors met on Monday, March 4, 2013, 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. Mike Landis, Mr. John Blowers, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

John Kreider, 2566 Old Philadelphia Pike, Bird-in-Hand, PA 17505, representing Smoketown Veterinary Hospital – Dr. Harris

Lynn Commero, representing Lancaster Newspapers

Mark Magrecki, Penn Terra Engineering Inc., 4909 Louise Drive, Suite 105, Mechanicsburg, PA 17015, representing Golden Corral

Charity Mahosky, Johnson & Johnson – McNeil, 1838 Colonial Village Lane, Lancaster, PA 17601

Gerald P. Maragos, Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011, representing Johnson & Johnson – McNeil

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

#### Minutes of February 19, 2013 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes of the February 19, 2013 regular meeting as prepared. There were no comments.

A motion was made by Mr. Eberly to dispense with the reading of the February 19, 2013 minutes and approve the minutes as presented. Mr. Landis seconded the motion and it was passed by a vote of three in favor and two abstaining. (Mr. Shertzer and Mr. Blowers abstained due to being absent from the February 19, 2013 meeting.)

#### Bills:

Chairman Buckwalter indicated that bills to be paid from various funds in the amount of \$385,302.68 were presented for payment. Chairman Buckwalter noted that some of the larger items included in that amount was a payment of \$31,800.00 for new locks for the security system, a payment to the Lancaster District Attorney for \$8,212.00 for one half of our 2013 contribution to the drug task force, the 1st quarter contribution for 2013 to the Lancaster County Library for \$6,600.00, the 1st quarterly contribution of \$56,000.00 to be dispersed between the four (4) Township fire companies, the MMO payment of \$49,391.00 to Morgan Stanley for the police and non-uniform pension plans, and a payment of \$72,371.24 to New Holland Dodge for the purchase of three (3) new vehicles for the police department.

A motion was made by Mr. Landis and seconded by Mr. Blowers to approve payment of the bills as listed in the amount of \$385,302.68. The motion was passed by unanimous voice vote.

### 2012 Officer of the Year Presentation – Officer Jonathan Werner

Chief Bowman thanked the Bareville-Leola-Leacock Lions Club for sponsoring this award for the last two (2) years. He explained that the officer selected is chosen by his peers and that he has no input on their selection. Chief Bowman introduced Ken McCombs, a member of the Bareville-Leola-Leacock Lions Club to present the award.

Mr. McCombs stated that it is an honor for him to present the 2012 Officer of the Year Award to Officer Jonathan Werner. He read a brief biography about Officer Werner and presented him with a plaque and a gift card to a local restaurant. After receiving his award, Officer Werner stated that he was grateful for the honor to be recognized by his peers and that there are many in the department who could've earned this award. Officer Warner introduced his wife, children and other family members and officers who were in attendance.

### 2012 Police Department Annual Report – Chief Bowman

Chief Bowman reviewed the activities of the Police Department for 2012 which included answering 17,809 calls for both East Lampeter Township and Upper Leacock Township. Of that total, there were 9,172 calls that required a report to be completed, 862 arrests for criminal code violations, and 2,186 motorists were cited for vehicle code violations. He added that 90 drivers were arrested for driving under the influence of alcohol or a controlled substance. There were 1,032 vehicle accidents investigated with 257 involving injuries, 2 fatalities in East Lampeter Township, and 2 fatalities in Upper Leacock Township. Chief Bowman also stated that the police department had 21 incidents involving 36 juveniles for curfew ordinance violations. Chairman Buckwalter and the Board members thanked Chief Bowman and the Police Department for all their hard work.

### Old Business:

- a. Request for Release of Financial Security: 44 Lancaster Association – 2343 Lincoln Hwy. East

Chairman Buckwalter stated that the township engineer, David Miller Associates, visited the site on February 19, 2013 and is recommending a full release of financial security in the amount of \$2,000.00, which will leave a balance of \$0.00.

Mr. Shertzer made a motion to release the full financial security for 44 Lancaster Association in the amount of \$2,000.00, as recommended by David Miller Associates, leaving a balance of \$0.00. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- b. Request for Time Extension to Record Conditionally Approved Land Development Plan #11-14: McNeil Products – 1838 Colonial Village Lane

Mr. Gerald Maragos of Gannett Fleming, Inc. introduced himself as representing McNeil Corporation. He stated that the project is moving along and it looks like they are going to have everything recorded in time. On the advice of Lee Young, Zoning Officer for East Lampeter Township, they are before the Board to request an additional 30-day extension of time.

Mr. Shertzer made a motion to grant a 30-day time extension to McNeil Corporation, 1838 Colonial Village Lane, to record conditionally approved plan #11-14. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

New Business:

- a. Time Extension for Township Review and Action re: Golden Coral Restaurant Land Development Plan #12-25: 2291 Lincoln Hwy. East

Mr. Mark Magrecki of Penn Terra Engineering Inc. introduced himself as representing Golden Coral Restaurant. They are requesting an additional 90-day time extension to allow them time to process the plans through the planning commission.

Mr. Shertzer made a motion to accept the 90-day time extension for the Board to review and act on the proposed Golden Corral Restaurant Land Development Plan #12-25. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

Other Business:

- a. Detour Plan re: Strasburg Pike/Windy Hill Road/Millstream Road Intersection Improvement Project

Mr. Hutchison explained that one of the items that need to be satisfied to keep this project moving forward is the detour plan. Since part of this detour plan involves areas in West Lampeter Township, their Board of Supervisors will also need to approve this plan. Mr. Hutchison explained the route and roads that will be involved with this detour. The Board members and Mr. Hutchison briefly discussed the roads being used for the detour and the impact on them.

A motion was made by Mr. Landis to approve the detour plan for the Strasburg Pike/Windy Hill Road/Millstream Road intersection improvement project. Mr. Blowers seconded the motion and it was passed by unanimous voice vote.

- b. Appeal of DEP Response to LCPC re: Act 167 Stormwater Management Ordinance

Mr. Hutchison explained that the Lancaster County Planning Commission prepared the new plans called blueprints and submitted them to DEP. DEP's response was that it was conditionally approved with a few conditions that applied. One of the conditions was that any exceptions or waivers from certain Best Management Practices (BMPs) requirements would have to be reviewed and approved by DEP. Mr. Hutchison mentioned that Mr. Cowhey, Director of the Lancaster County Planning Commission, raised a flag and stated that this is really going to be difficult because DEP does not have a process for doing this and will be cumbersome. They are trying to arrange meetings with DEP to discuss this, but the issue is that there is a 30-day appeal window from the time the letter went out. If nobody goes on record as having appealed it, then DEP will say that this is going to be a condition and leave it that way. Mr. Hutchison stated that a number of municipalities and the building industry are planning to submit an appeal.

Mr. Shertzer made a motion to authorize East Lampeter Township to join with other Lancaster County municipalities and with the Building Industry Association of Lancaster County in an appeal to the Pennsylvania Environmental Hearing Board from the letter dated February 5, 2013, from Scott R.

Williamson, Program Manager, Wetlands and Waterways Program, of the Pennsylvania Department of Environmental Protection, approving the Lancaster County Act 167 Stormwater Management Plan, subject to conditions, and to further authorize the Solicitor and appropriate Township officials to execute a notice of appeal or other documents necessary or desirable to prosecute the appeal. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

c. Forensic Accounting Services re: City of Lancaster Arbitration – Sewer Agreement

Mr. Hutchison explained that the City of Lancaster has requested arbitration related to an ongoing dispute that the Township has had with respect to the charges for sewer treatment services through the 1983 agreement that was adopted. This dispute goes back into the 1990's. As a result, the Township's special counsel has been helping staff with this and is recommending that they engage in an accounting firm to perform some forensic accounting services to go back through the City's books, budgets, and etc. to hopefully make some determinations as to exactly what the Township was billed for and if they were appropriate charges. This agreement identifies the services that ParenteBeard LLC will provide in this matter.

A motion was made by Mr. Eberly to approve in the engagement of forensic accounting services of ParenteBeard LLC. The motion was seconded by Mr. Blowers and passed by unanimous voice vote.

d. Retirement Letter Approval – Sgt. Randolph Sensenig

Chairman Buckwalter stated that they have received a letter from Sgt. Randolph Sensenig of the East Lampeter Township Police Department indicating that he intends to retire effective March 4, 2013.

A motion was made by Mr. Eberly to approve the retirement letter from Sgt. Randolph Sensenig. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Public Comment:

Mr. John Kreider, 2497 Old Philadelphia Pike, Lancaster, PA 17602, introduced himself as representing Smoketown Veterinary Hospital. He stated that at the September 2012 Supervisors meeting, the Board said that due to the economic situation they would not be asking residences to install sidewalks. His neighbor, Dr. Harris, received a letter recently requesting that he install sidewalks along his property. Mr. Kreider would like to know why then did Dr. Harris receive this letter after the Board made that comment. Chairman Buckwalter commented that he did not believe that they stated it quite like that. Mr. Hutchison interrupted by saying that the letters were sent to those who had subdivision or land development plans processed. On those plans the required improvements were deferred. Those are the property owners who received the letter, whether they were residential or commercial. Chairman Buckwalter stated that because Rt. 340 is being paved this summer, they feel this is an appropriate time to have the sidewalks installed for the property owners who had them deferred. Mr. Kreider further expressed his feelings that putting sidewalks in for just a few properties does not make sense and just puts a hardship on those individuals. The Board members and Mr. Hutchison further explained how the deferral on the recorded plans works and that they are not just picking certain property owners. Mr. Shertzer stated that when the property owners submitted land development plans, the Board could have made them put them in at that time. But instead, this requirement was deferred until it made sense and the property owners agreed to this condition when the plans were filed.

Mr. Hutchison introduced Mrs. Tara Hitchens as the new Township Director of Planning/Zoning Officer who will be starting on March 12, 2013. The Board welcomed her.

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, March 19, 2013 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager