

July 13, 2009

The East Lampeter Township Board of Supervisors met on Monday, July 13, 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. John Shertzer, 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:

Irl and Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, representing CVC  
Dain and Gwen Null, 2972 Lincoln Hwy. East, Gordonville, PA 17529, representing Null's Towing  
Barry Nickel, 2972 Lincoln Hwy. East, Gordonville, PA 17529, representing Paradise Custom

#### Minutes of June 16, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the June 16, 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. 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 \$415,755.92 were presented for payment. Chairman Buckwalter pointed out that this is a large amount, partially due to the Board having not met for a month. Chairman Buckwalter further explained that of the total amount, \$126,000.00 that was held in escrow from Gerald Horst who is the developer of The Oaks, was returned to him after an issue involving the streets was resolved. It was budgeted to install ceiling fans in the public works building which cost \$14,000.00. A quarterly payment of \$19,000.00 went to Wiley Insurance for property and liability insurance, a payment of \$87,000.00 went to Horst Excavating for park improvements at the Lafayette Tower Park, and a payment of almost \$45,000.00 was made to H. L. Wiker for park improvements at Flory Park.

After review of 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 \$415,755.92. The motion was passed by unanimous voice vote.

#### Old Business:

- a. Request for Reduction of Financial Security: High Associates – Old Homestead Lane Extension

Chairman Buckwalter explained that High Associates is requesting the full amount of financial security that was originally set for \$51,919.68 be released. The Township engineer is recommending that it be reduced by \$47,199.71, which will leave a new outstanding financial security balance of \$4,719.97.

Mr. Rutt made a motion to grant the request to reduce the financial security for High Associates in the amount of \$47,199.71, leaving a balance of \$4,719.97, as recommended by the Township engineer. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. Broderick Land Development Plan #09-01: Lincoln Hwy. East

Chairman Buckwalter asked if anyone was present to represent this item. There was no one present. Mr. Hutchison explained that Mr. Young, Township Zoning Officer, had been in touch with the applicant and told them that this item was on the agenda for the meeting.

Chairman Buckwalter suggested tabling this item to the end of the meeting in order to give the applicant an opportunity to be present. The other board members agreed to table this item to the end of the meeting.

c. Norfolk Southern Agreement re: Storm Water Improvement: High Associates – Independence Court

Chairman Buckwalter explained that there was a need for a larger storm pipe under the railroad tracks to allow the water to pass underneath. He then asked Mr. Hutchison to address this item.

Mr. Hutchison explained that the project that High Associates had received approval for was an indoor storage facility at the end of Independence Court. They have completed most if not all of the public improvements with the exception of this one additional stormwater improvement. They had designed plans that were reviewed and approved by Norfolk Southern. Norfolk Southern requires the owner of the pipe, which will ultimately be the Township, enter into this agreement.

Mr. Hutchison stated that the Township solicitor has reviewed the document and also prepared the resolution. Norfolk Southern requires that the authorization to sign the agreement be done by resolution.

Chairman Buckwalter asked if the Board or audience had any questions or comments. There were none.

Mr. Shertzer made a motion to adopt the resolution for the approval of the license agreement with Norfolk Southern for the improvement of the stormwater management on Independence Court. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

New Business:

None

Other Business:

a. Ordinance re: Restatement of Non-Uniformed Pension Plan

Chairman Buckwalter explained that this is basically restating the current pension plan. Mr. Hutchison added that every two or three years, the Auditor General's office audits the pension plans since we receive state aid funding to support the pension plans. This latest time they have asked that the Board to adopt a restatement of the plan. There have been no changes to the plan document. They just want to see it restated in ordinance form.

Chairman Buckwalter asked if the Board or audience had any questions or comments. There were none.

Mr. Landis made a motion to approve the restatement of the Non-Uniformed Pension Plan. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

b. Resolution re: Disposition of Township Records

Mr. Hutchison explained that in accordance with the schedule given by the State, we are allowed to dispose of Township records when they have exceeded their life under the schedule. Township policy requires that the Board adopt a resolution to authorize the disposition of these records.

Mr. Rutt made a motion to approve the resolution to dispose of Township records. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

c. County Agreement re: 2009 Municipal Transportation Grant Award for Rt. 30 @ Greenland Drive Signalization Project

Chairman Buckwalter explained that because of the shopping center development that is proposed for the tract of land directly across from the Dollar Tree, a traffic study indicated that a light would be helpful at Greenland Drive.

Mr. Hutchison added that the Board had applied for two transportation grants. The other intersection at Rt. 896 and Rockvale Road was denied. The Township has two (2) years from the date of the agreement to complete the project and the amount of funding the County is providing is \$62,700.00.

Mr. Rutt made a motion to accept the 2009 Municipal Transportation Grant for Rt. 30 at Greenland Drive signalization project. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

d. Request for Temporary Road Closure: Leukemia & Lymphoma Society – Colonial Village Lane (September 9 – 3 pm to 9 pm)

Chairman Buckwalter announced that the Leukemia and Lymphoma Society has requested to close down a portion of Colonial Village Lane on September 9 from 3:00 p.m. until 9:00 p.m. This request is to hold a fund raising event.

Mr. Hutchison added that typically when the Board acts on these types of road closure requests, we require the applicant to provide insurance for the event that names the Township as an additional insured and to provide a plan for traffic control which in this case would include a small detour plan to direct traffic around.

Mr. Landis questioned what day of the week September 9 is.

Mr. Hutchison replied that it is a Wednesday.

Mr. Landis questioned if the police and businesses in that area are aware of this event.

Mr. Hutchison responded that he has not received any phone calls from anyone else and suggested that the applicant notify the businesses well in advance of the event.

Mr. Landis made a motion to approve the request for the temporary closure of Colonial Village Lane on September 9, 2009 from 3:00 p.m. until 9:00 p.m. for the Leukemia and Lymphoma Society fund raising event. Chairman Buckwalter added that a condition of the approval would be that the applicant is responsible to notify all the local businesses in the area of their plan and also be responsible for the traffic detour. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

Public Comment:

Chairman Buckwalter asked if there were any public comments.

Mr. Barry Nickel, 2972 Lincoln Hwy. East, Gordonville, PA 17529, representing Paradise Custom, requested some rules or revisions to the current towing policy for towing for East Lampeter Township police. Mr. Nickel then presented copies of rules for the Pennsylvania State Police and stated that he believes these rules should also apply for East Lampeter Township police.

Chairman Buckwalter then asked Mr. Nickel if there was something in particular in the document that he wanted to point out to the Board.

Mr. Nickel stated that the Township shouldn't be using towers outside of the Township, other than the owner's request or AAA. He then gave an example of an incident that happened approximately a month ago. On June 30, 2009, there was an accident at Rts. 896 and 30 at which Mr. Nickel was called to tow one of the vehicles and AAA was called to tow the other vehicle. On June 16, 2009, the insurance company came to his business to pick up both cars. At this time, Mr. Nickel discovered that the other car towed by Silverback Towing was not an AAA tow.

Mr. Nickel contacted Officer Eachus who confirmed it was an AAA tow. Mr. Nickel then contacted AAA who said that they did not have a tow on that day. Mr. Nickel called Officer Eachus back and told him what AAA said. Officer Eachus said he would look into it.

Mr. Nickel stated that Silverback has driven past his business to respond to twelve (12) non requested and non AAA tow requests so far this year. Their business is not located in East Lampeter Township and therefore they do not even pay any taxes to East Lampeter Township.

Mr. Nickel added that Null's Towing, who is also at his location but handle heavy duty towing, has been on the East Lampeter Township list for nine (9) months and has not gotten any calls. A few weeks ago, there was a tractor trailer accident in the 2900 block of Lincoln Highway East. Null's Towing never received a call.

Mr. Hutchison and Chairman Buckwalter agreed to look into this matter with Chief Bowman and have him review these calls.

Mr. Nickel stated that Officer Eachus has said that he has submitted several proposals to the Board that were rejected.

Chairman Buckwalter stated that Officer Eachus might have passed on suggestions to Chief Bowman.

Mr. Landis added that the Board would investigate this matter.

Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, expressed her concern in regards to the oil and chipping of the Township roads and the damage it causes to the horse hooves.

Mr. Landis explained that this is a budget driven decision as to what roads get oiled and chipped. The oil and chip process has been around for forty years and the primary purpose is to save money and extend the life of the roadway. He added that due to the dry weather conditions, the oil and chipping has not had time to cure and a steady rain will help cure the roadways.

Mr. Dain Null, 2972 Lincoln Hwy. East, Gordonville, PA 17529, representing Null's Towing, explained that he recently opened a branch at Paradise Custom which is owned by Mr. Barry Nickel. He wanted to introduce himself to the Board and ask to be put on the towing list.

Mr. Hutchison then questioned the location of this operation and asked if the Township Zoning Officer had been contacted and if a land development plan was submitted before moving there.

Mr. Null replied no.

Mr. Hutchison responded that Mr. Null should contact the Zoning Officer first thing in the morning.

Old Business:

b. Broderick Land Development Plan #09-01: Lincoln Hwy. East

Chairman Buckwalter asked if anyone was present to represent this plan. There was no one present.

Mr. Shertzer explained the David Miller Associates plan review indicates that the plan has not been modified as requested to show a proposed orderly configuration for storage of the mobile homes that would allow for safe access during an emergency. Also, the location of the model log home cabin has not been shown.

Mr. Shertzer added that a fair amount of time has been given to them to resubmit the land development plan and that prosecution should be followed through.

Mr. Shertzer made a motion to deny the Land Development Plan #09-01 for John Broderick and request Township officials to proceed with prosecution until this is resolved. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

Adjournment:

A motion was made by Mr. Landis and seconded by Mr. Rutt to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, August 3, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager