

November 9, 2009

The East Lampeter Township Board of Supervisors met on Monday, November 9, 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. Roger Rutt, Mr. Michael Landis, Mr. Glenn Eberly, and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager.

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

Roger Fry, Fry Surveying, Inc., 21 S. Hershey Avenue, Leola, PA 17540, representing Blank and Ames Roofing

Al Olah, Rettew Associates, 3020 Columbia Avenue, Lancaster, PA 17603, representing Dutch Wonderland

Gary Feeman, Wonderland Amusement Management, 2249 Lincoln Hwy. East, Lancaster, PA 17602, representing Dutch Wonderland

Chris Venarchick, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing Warrington

Jim Glick, 145 Witmer Road, Lancaster, PA 17602, representing Glick's Plant Farm

Ethan Demine, 2019 Millstream Road, Lancaster, PA 17602

#### Announcement of Executive Sessions

Chairman Buckwalter announced that there were two executive sessions held to discuss personnel issues. The first session was held on October 29, 2009 and the second session was held prior to this evening meeting.

#### Minutes of October 20, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the meeting agenda and minutes of the October 20, 2009 regular meeting were available in the back of the room for review and asked if there were any comments or corrections regarding the minutes as prepared.

A motion was then made by Mr. Eberly and seconded by Mr. Shertzer 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 represented by various funds in the amount of \$913,507.61 were presented for payment. Chairman Buckwalter mentioned a few of the larger amount items which included a payment of almost \$360,000.00 to Witmer Fire Company for the Townships portion for a piece of apparatus, a debt service payment on bond issues that totaled \$294,140.00, a payment of \$13,000.00 for road salt as we prepare for the winter months, and a MMO payment for the pension fund in the amount of \$140,000.00.

A motion was made by Mr. Rutt and seconded by Mr. Landis to approve payment of bills as listed in the amount of \$913,507.61. The motion was passed by unanimous voice vote.

Old Business:

a. Request for Reduction of Financial Security – C.V. Church of Christ: Horseshoe Road

Chairman Buckwalter asked if anyone was present in the audience for this item. No one was present. Chairman Buckwalter explained that the Conestoga Valley Church of Christ's engineering firm, Derck & Edson Associates are requesting the financial security balance of \$5,376.00 be released.

Mr. Lee Young, the Township Zoning Officer, visited the site and reviewed the installation of the storm water management facilities. The grass around the areas that were disturbed by the excavation needs to be fine graded and reseeded. Until this is completed, he is recommending releasing \$4,887.00, which will leave a new outstanding financial security balance of \$489.00.

Mr. Landis made a motion to grant the request to reduce the financial security for C.V. Church of Christ on Horseshoe Road in the amount of \$4,887.00, leaving a balance of \$489.00, as recommended by Mr. Young. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

b. Request for Reduction of Financial Security – 44 Lancaster Hotel: Rt. 30 East

Chairman Buckwalter explained that 44 Lancaster Hotel on Rt. 30 East are requesting the financial security current account balance of \$47,095.80 be released. The Township engineer visited the project site and is recommending that \$37,095.80 be released, which will leave a new outstanding financial security balance of \$10,000.00.

Mr. Shertzer made a motion to grant the request to reduce the financial security for 44 Lancaster Hotel on Rt. 30 East in the amount of \$37,095.80, leaving a balance of \$10,000.00, as recommended by the Township engineer. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

c. Ames Roofing Land Development Plan #09-10: Smoketown

Mr. Roger Fry of Fry Surveying, Inc. represented Amos King, owner of Ames Roofing. Mr. Fry stated that he had not resolved all the issues that were addressed at the previous meeting, but is working on them. He added that he could update the Board on what he knows at this point, but does not want to waste time on discussing items that are not going to get anywhere this evening.

Chairman Buckwalter responded that the Board is familiar with the project and issues that were mentioned at the previous meeting. The Board must act on this plan this evening or it will be a deemed approval. He added that the choice the Board has tonight is to deny the plan or to get an extension from the applicant.

Mr. Eberly asked Mr. Fry how long he would need to address the outstanding issues.

Mr. Fry responded that thirty (30) days should be adequate time to get the agreement issues completed.

Mr. Eberly made a motion to accept the thirty (30) day time extension for the Ames Roofing Land Development Plan #09-10 in Smoketown. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

- a. Resolution re: Sewer Planning Module – Warrington Preliminary Plan #08-44: New Holland Pike

Mr. Chris Venarchick of RGS Associates introduced himself and was present on behalf of his client, Keystone Custom Homes, should any issues arise with this project. He explained that what had held them up at this point was coming to an agreement with the Township for improvements for the development.

Mr. Hutchison clarified that the agreement that Mr. Venarchick mentioned is actually with the East Lampeter Sewer Authority related to the pumping station and not with the Township.

Mr. Eberly made a motion to approve the Sewer Planning Module Resolution for Warrington Subdivision Plan #08-44. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

- b. Beiler Storm Water Management Plan #09-09: N. Ronks Road

Mr. Roger Fry of Fry Surveying, Inc. was representing his client Mr. Andrew Beiler. Mr. Fry explained that the Beiler's have been on again off again with their decision. Mr. Fry sent a letter to them in October explaining that they need to make a decision on what they are doing. He has not heard anything from them and therefore is requesting that the Board grant a thirty (30) day time extension for him to get an answer from the Beilers.

Mr. Shertzer asked Mr. Fry what his level of comfort was to think that this is going to happen.

Mr. Fry responded that it is not real high, but would hate to let the plan die should they have something in mind.

Mr. Shertzer responded that he felt that they have fooled around enough and his preference would be to deny the thirty (30) day time extension.

After a brief discussion among the Board members and Mr. Fry, Mr. Landis made a motion to grant approval of a thirty (30) day time extension for the Beiler Storm Water Management Plan #09-09 on N. Ronks Road. The motion was seconded by Mr. Rutt and passed by a vote of four in favor and one opposed. (Mr. Shertzer voted against the motion).

- c. Blank/Speicher Land Development Plan #09-22: Hartman Station Road

Mr. Roger Fry of Fry Surveying, Inc. was representing Amos S. and Emma Z. Blank of 928 Hartman Station Road and Ms. Katie Speicher. He explained that this project was before the Board in June

2009 and was denied the ECHO Housing request since it does not meet the requirements of the ordinance. The occupant of the house will be Ms. Katie Speicher.

Mr. Fry reviewed the waiver requests. The first request is to waive the preliminary plan process. The second request is to waive the requirement to provide the required sight distance at driveways. He explained the location of Ms. Speicher's driveway and how it does not meet the required sight distance. He added that the Planning Commission gave approval with the condition that a 'driveway ahead' sign be installed to warn motorists. The third waiver is the deferment of street improvements.

After a brief discussion among the Board members, Mr. Eberly made a motion to approve the Blank/Speicher Final Land Development Plan #09-22 on Hartman Station Road and granting the three (3) waivers listed which include the placement of the 'driveway ahead' sign. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

d. Dutch Wonderland Storm Water Management Plan – 2249 Lincoln Hwy. East

Mr. Al Olah of Rettew Associates introduced himself and Mr. Gary Feeman of Dutch Wonderland. Mr. Olah reviewed the plan for the new amusement ride referred to as "PA Turnpike Ride". He commented that the plan has gone before the zoning board to deal with a special exception for expansion within the floodplain.

Mr. Olah also addressed the comment on the David Miller Associates letter dated September 21, 2009, in regards to obtaining a Joint Permit from PADEP. He had hoped to have it to bring to the meeting, but assures that he should have it within a couple days.

Mr. Shertzer made a motion to grant approval of the Storm Water Management Plan for the PA Turnpike Ride at Dutch Wonderland with the conditions to meet the zoning and storm water management comments listed on the letter dated September 21, 2009 from David Miller Associates. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

e. Request for Land Development Planning Waiver – Glick's Plant Farm

Mr. James Glick, the applicant, presented the plan. He explained that they had purchased the former Smoketown Post Office at 2429 Old Philadelphia Pike with the goal to put a wider driveway at the front of the site to accommodate truck turns off of Old Philadelphia Pike to access the commercial building at the rear of this location. He is before the Board requesting the waiver of land development plan and storm water runoff since they have not increased the square footage.

Mr. Hutchison asked Mr. Glick if PennDOT required him to curb the driveway.

Mr. Glick responded no.

Mr. Shertzer made a motion to grant the waiver of land development plan processing for Glick's Plant Farm at 2429 Old Philadelphia Pike. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

Other Business:

a. Approval of PA DOT Right of Way Plan re: N. Cherry Lane & Irishtown Road

Mr. Hutchison explained that PennDOT wants to close the aggrade crossing where Amtrak crosses Irishtown Road. The plan for doing this is to create two (2) parallel roads. The two (2) roads are Irishtown Road extended to Harvest Road and North Cherry Lane extended to Irishtown Road on the north and south side of the tracks and then closing the crossing.

Mr. Hutchison added that PennDOT is doing this project and that their next step is to acquire the right of way that is necessary to complete this project. The extension of North Cherry Lane to the Leacock Township border line would then become a local road when they are finished. Because of this, they want the Township to approve of the right of way acquisition plan for that extension.

Mr. Shertzer made a motion to grant approval of PA DOT Right of Way Plan for North Cherry Lane and Irishtown Road. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

b. County Urban Enhancement Fund Grant Agreement – Rt. 30 Streetscape Plan

Mr. Hutchison explained that the Township had applied for an Urban Enhancement Fund Grant to prepare a streetscape plan for Route 30 from Oakview Road to Route 896. This is the next step being recommended out of the Route 30 Gateway Plan that has been underway through the County planning commission. In order to take advantage of this grant funding opportunity, the County requires an agreement to be put in place. The estimated cost for the preparation of the plan is \$150,000.00. This grant would be for \$75,000.00.

Mr. Hutchison added that during earlier discussions, the Board's clear indication was that the business community was going to be expected to come up with a substantial portion of the local match. There has been some discussions with the businesses, but do not have any commitments with them at this time. If at any time the Board is uncomfortable with the amount of business community commitment, then the plan would not happen. The Township has two (2) years to complete the project. If it does not happen, the grant will go away.

Mr. Landis made a motion to approve the County Urban Enhancement Fund Grant Agreement for Route 30. Mr. Eberly seconded the motion and it was passed by unanimous voice vote.

c. Resolution re: Actuarial Smoothing – Police Pension Plan

Mr. Hutchison explained that the new law that was recently put in place in Harrisburg allows municipal pension plans to take advantage of this concept of actuarial smoothing. It looks at the unfunded actuarial liability of the pension plan as they exist today and allows that cost to be pushed out over a longer period of time. The legal requirement is for the Board to pass a resolution to approve of this.

There was a discussion among the Board members and Mr. Hutchison about how this plan actually works. Mr. Shertzer made a motion to approve the Actuarial Smoothing – Police Pension Plan

resolution. Mr. Landis seconded the motion and it was passed by a vote of three in favor and two opposed. Mr. Rutt and Chairman Buckwalter voted against the motion.

d. Resolution re: Actuarial Smoothing – Non Uniformed Pension Plan

Chairman Buckwalter explained that this item is the same as the previous item except that this is for the Non Uniformed Pension Plan. Mr. Shertzer made a motion to approve the Actuarial Smoothing – Non Uniformed Pension Plan resolution. Mr. Landis seconded the motion and it was passed by a vote of three in favor and two opposed. Mr. Rutt and Chairman Buckwalter voted against the motion.

e. Revised MMO Calculation – 2010 Police Pension Plan

Mr. Hutchison explained that the Board had adopted MMOs in September that were miscalculated. The new MMOs show the Act 44 deductions. Mr. Landis made a motion to approve the revised MMO Calculation for the 2010 Police Pension Plan. Mr. Shertzer seconded the motion and it was passed by a vote of four in favor and one abstaining. Mr. Rutt abstained.

f. Revised MMO Calculation – 2010 Non Uniformed Pension Plan

Mr. Shertzer made a motion to approve the revised MMO Calculation for the 2010 Non Uniformed Pension Plan. Mr. Eberly seconded the motion and it was passed by a vote of four in favor and one abstaining. Mr. Rutt abstained.

g. 2010 Budget Announcement

Chairman Buckwalter announced that the 2010 proposed budget will be posted online by November 30, 2009.

Public Comment:

There were no public comments.

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, December 7, 2009 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager