

December 22, 2009

The East Lampeter Township Board of Supervisors met on Tuesday, December 22, 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, and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager. Mr. Glenn Eberly was absent.

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

Gerald McElheny, 509 Oak Grove Drive, Lancaster, PA 17601
Gina and Eric Reath, 10 Homestead Drive, Lancaster, PA 17602
Bryan S. Kondras, representing East Lampeter Township Police Officers Association
Greg Dolk, representing East Lampeter Township Police Department
James and Sheila McElheny, representing East Lampeter Township Police Department
Nathan Westerman, representing East Lampeter Township Police Department
Douglas Immel, representing East Lampeter Township Police Department
Randy Shrom, representing East Lampeter Township Police Department
Russ Latschar, PO Box 84, Witmer, PA 17585, representing Witmer Fire Company
Kurt Baumgardt, 308 Summers Drive, Lancaster, PA 17601, representing Witmer Fire Company
Mike Burkholder, 2638 Old Philadelphia Pike, Bird-in-Hand, PA 17505, representing Bird-in-Hand Fire Company
Rick High, 852 Stumpf Hill Drive, Lancaster, PA 17601
Chris Jones, representing East Lampeter Township Police Department
John Latschar, 655 Hartman Station Road, Lancaster, PA 17601, representing Witmer Fire Company
Justin Crouse, representing East Lampeter Township Police Department
Mike Redden, representing East Lampeter Township Police Department
Ann I. Silcox, representing AFSCME and East Lampeter Township Police Department
Brian Cloonan representing East Lampeter Township Police Department
Bob and Linda Manley, 556 Norlam Drive, Lancaster, PA 17601, representing East Lampeter Township Police Department
Janet Liberatore, 557 Norlam Drive, Lancaster, PA 17601, representing East Lampeter Township Police Department
Mark McPhail, 745 Dustin Drive, Lancaster, PA 17601, representing East Lampeter Township Public Works
John Blowers, 102 Strasburg Pike, Lancaster, PA 17602
Chris Erb, representing FOP and East Lampeter Township Police Department
Tom Scarsella, 453 Garland Circle, Lancaster, PA 17602, representing Eastwood Meadows (EMRA)
Elizabeth R. Jaquith, representing Steps to Success and East Lampeter Township Police Department

Announcement of Executive Sessions

Chairman Buckwalter announced that there were two executive sessions held to discuss issues related to the budget and personnel. The first session was held on December 17, 2009 and the second session was held prior to this evening meeting.

Minutes of December 7, 2009 Regular Meeting:

Chairman Buckwalter indicated that copies of the meeting agenda and minutes of the December 7, 2009 regular meeting were available in the back of the room for review and asked if there were any additions or corrections regarding the minutes 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 represented by various funds in the amount of \$80,901.23 were presented for payment. Chairman Buckwalter mentioned one of the larger items was payment of \$9,130.00 to Joel Metzler Lawn Care for services in October and November.

A motion was made by Mr. Rutt and seconded by Mr. Shertzer to approve payment of bills as listed in the amount of \$80,901.23. The motion was passed by unanimous voice vote.

Old Business:

- a. Resolution re: PennDOT Permit for Lafayette Fire Company Land Development

Mr. Hutchison explained that as a part of the Lafayette Fire Company Land Development Plan there are certain improvements that are to be made along their frontage along Route 462. One of them involves some storm water work which the Township was required to be the applicant for the installation of the storm water facilities. PennDOT has issued the permit and now require a condition statement to go along with each permit. They are requesting that the Township adopt a resolution authorizing a Township official to sign this condition statement for this permit. The Township official would be the chairman of the Board of Supervisors.

Mr. Shertzer made a motion to approve the resolution authorizing the chairman to sign the Highway Occupancy Permit Condition Statement for the Lafayette Fire Company project. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

New Business:

- a. Request for Waiver of Land Development Planning – Dutch Quality Builders: 72 Pitney Road

Mr. David Petrisek of Dutch Quality Builders reviewed the plan to add a second story addition to 72 Pitney Road and is requesting a waiver of the plan review process. In addition to the waiver, they are also asking the Board for a deferral of road improvements along Pitney Road.

Mr. Shertzer made a motion to approve the waiver of Land Development Plan Processing for 72 Pitney Road, requesting that the plan as it would be recorded note the deferral of road improvements to a future date should it be required by the Township. Mr. Landis seconded the motion and it was passed by unanimous voice vote.

Other Business:

a. Adoption of 2010 Budget for All Funds

Mr. Hutchison stated that as was discussed at the December 7, 2009 meeting, this year's budget preparation has been a real challenge for the Township. There were a variety of reasons, but the primary reason was a severe drop-off in revenues for 2009. The biggest sources of the drop-off in revenues were the earned income tax revenue which dropped-off over \$400,000.00, the real estate transfer tax revenue which dropped-off about \$150,000.00, and the fact that we did not receive the recycling grant from the state which was planned on being received in 2009, which was over \$300,000.00. Despite the efforts of reducing expenditures during the year, we have over a \$1 million dollars difference between revenues and expenditures.

Mr. Hutchison further reviewed some of the changes made to the 2010 Budget that was previously advertised.

Mr. Shertzer noted the negotiation with AFSCME reducing their cost by \$119,000.00 and he stated that this is a significant spirit of cooperation from this group and wanted to recognize them for this effort.

Mr. Michael McGuire from AFSCME thanked Mr. Shertzer for his comment and asked the Board to be sympathetic to these employees since they are taking a loss by only working 37.5 hours a week. He added that perhaps the direct supervisors of these employees should also have their hours cut as well to help with the cost cuts.

Chairman Buckwalter also thanked the AFSCME group for their cooperation.

Mr. Landis then commented on the difficulty of the budget process and added that this has been one of the hardest issues he has had to deal with since being on the Board for the last fourteen (14) years.

Mr. Bryan Kondras representing the East Lampeter Township Police Officers Association thanked the Board for their past support of the Police Department. He stated that during these difficult economic times when everyone is tightening their belts and making cuts, having a balance of \$500,000.00 to start the 2011 budget year in their opinion is adequate in these times. The recently approved contract for 2009-2011 was signed just ten (10) months ago. The DEP grant money is money from the state that is guaranteed to be paid to the Township. They are asking that the Board borrow money from the Sewer fund until that grant money is received. He added that if cuts to manpower are made, this will affect the service to the Township residents. However, if the Board feels that there is no other way than to reduce manpower that they consider offering retirement to officers who have twenty (20) years of service. They are willing to continue working with the Township and are open for further discussions, but at this point they do not see any deal being reached unless the Township position changes. If the Police Association is unable to assist the Township with its financial difficulties, is it the Boards intention to layoff three (3) officers and if so, would this be the best recourse?

Chairman Buckwalter responded that it is the Boards intention to negotiate with the Police Association and recognizes that there is a contract in place and are limited to their negotiation

working with them. He added that they would like to reach an agreement that does not involve any layoffs, but need to reach this in a mutual way.

Mr. Shertzer also affirmed the relationship with the Police Department over the years has been a very positive one. He believes that this is why he thinks they can come to some sort of an agreement, but it is going to take some give on both sides of the fence. He added that the last thing they would want to do is to layoff anyone. If they accept the budget the way it is proposed tonight, there is a gap in the budget to be filled somehow.

Mrs. Elizabeth Robinson Jaquith introduced herself as Board President of Steps to Success Christian child day care in Leola and also the wife of an East Lampeter Township officer. She stated that over the past two (2) weeks she has talked to area business owners and residents and have heard only good things about the police department. She encouraged people to come tonight to talk to the Board and tell them that layoffs would be a mistake. She added that if the budget is approved this evening and knowing that you need to make cuts somewhere, things will happen behind closed doors. She would feel more comfortable knowing how they plan to come to an agreement to make up this loss in the budget, whether it is layoffs or accepting retirements. It's leaving everyone in this room tonight unclear as to what will happen next. Mrs. Jaquith added that with the Township growing the demand on the officers is greater and the resident's safety is a concern.

Chairman Buckwalter responded that they have a bargaining unit and that they need to negotiate this contract. This will not be negotiated tonight and therefore he cannot answer her questions tonight.

Mr. Shertzer commented that another element that the Board is struggling with is the 28% tax increase which is a huge liability and burden to a lot of the residents.

Mr. Justin Crouse stated the fact that the residents will be paying more in taxes but will be getting less service. There shouldn't be any layoffs of any employees. He added that as the economy takes a downturn, when people have less money crime does rise. If the manpower in the police force is cut, this is not only a safety concern for the community but also the officers who might need backup. Also, if there are fewer officers on duty wouldn't this mean more overtime pay. He concluded that layoffs are not safe for the community or are fiscally responsible.

Mr. Tom Scarsella of Eastwood Meadows stated that at the December 7, 2009 meeting he had requested an increase in taxes to eliminate losing services. He added that the Board is going to take the heat anyway that they decide, so they might as well take the heat that will best serve the community. He also stated that he wouldn't even mind a 30% tax increase as long as he is getting the same quality of services. He added that the Board would be sending the wrong signal to the community if layoffs should happen.

Mr. Bill Leighty of Upper Leacock Township commented that he has lived in two (2) other townships and has paid far more in taxes and that the 28% increase for the quality of service that is received in East Lampeter Township is really not that bad of an increase. If residents compare it to other townships and boroughs they will realize that this isn't such an enormous increase.

Mr. Shertzer commented that they know that the taxes in East Lampeter Township are significantly lower than other municipalities, but it's still a struggle to increase large percentages at one time. He

added that since the December 7, 2009 meeting, he had hoped to hear something from the residents one way or the other on many of the aspects of this budget. He has not heard anything from the residents as to the tax increase or the potential layoffs.

Mr. John Blowers of Strasburg Pike stated that East Lampeter Township is a cheap place to live in Lancaster County. He said that it really wasn't a shock to see this tax increase since so many years have gone by without any increases. He added that taxes should have been raised 3-5% every year and if they would have increased the taxes 30% for 2010 it would have been OK with him.

Chairman Buckwalter expressed his concern about the cumulative effect of tax increases. Not only are the Township taxes being increased but also the schools, county, and state taxes will also be increasing. He stated that he did have residents telling him that they did not want their taxes increased.

A motion was then made by Mr. Landis and seconded by Mr. Rutt to adopt the 2010 Budget for all funds. The motion was passed by unanimous voice vote.

b. Resolution to Establish 2010 Real Estate Tax Rate

Chairman Buckwalter explained that this resolution would change the real estate tax rate for 2010 to 1.462 mils.

A motion was then made by Mr. Shertzer and seconded by Mr. Rutt to adopt the resolution to increase the real estate tax for 2010 to 1.462 mils. The motion was passed by unanimous voice vote.

c. Resolution to Amend Admission Tax Ordinance

Chairman Buckwalter explained that it has been allowed for agencies to collect this tax and if they pay it promptly they were allowed to keep ten percent (10%) of it. With the economy the way it is, the Board feels that they can no longer do this and therefore the full amount of tax collected would have to be turned into the Township.

A motion was then made by Mr. Rutt and seconded by Mr. Landis to adopt the resolution to amend the admission tax ordinance. The motion was passed by unanimous voice vote.

d. Resolution re: Adoption of New Township Fees Schedule

Chairman Buckwalter explained that this resolution is for the new adjusted Township fees for land use applications and hearings.

A motion was then made by Mr. Landis and seconded by Mr. Shertzer to adopt the resolution for the new Township fees schedule revisions. The motion was passed by unanimous voice vote.

e. Approval of Changes to AFSCME Agreement for 2010

Mr. Hutchison explained that the Township and AFSCME have been working to modify the current agreement that ends at the end of this year. The employees covered by the AFSCME agreement would be waiving the planned four percent (4%) pay increase in 2010 and their work week starting in 2010 would be changed for most of these employees from 40 hours per week to 37.5 hours per week. The Township would also be offering an early retirement incentive package with the

expectation that one of those employees would accept this package. In exchange, the Township will be promising no layoffs for 2010 for any of these employees.

A motion was then made by Mr. Shertzer to approve the modification bargaining agreement between East Lampeter Township and the East Lampeter Township non-uniform employees. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

f. Resolution re: Non Uniform Pension Early Retirement

Mr. Hutchison explained that as part of the understanding with AFSCME to accomplish the savings that the Township was looking for, it involved a change to the non uniform pension plan to open up a small window of an additional benefit for a small window of time. It allows anyone who reaches the age of sixty (60) and has completed at least twenty (20) years of service, would be entitled to the full amount of the benefit which they've earned to date which they would normally have to wait until the age of sixty-five (65) to receive. This resolution would make this plan valid.

A motion was then made by Mr. Landis to approve the resolution for Non Uniform Pension Early Retirement. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

g. Appointments to Fill Vacancies: Elected Auditor Positions (3) – Terms Ending 12/31/11

Mr. Hutchison explained that all three (3) elected Board of Auditor positions were on the ballot in November. There were individuals who garnered a small number of write in votes. The County Board of Elections contacted these individuals who declined to accept the positions. With all three (3) positions vacant, the Board of Supervisors must appoint persons to serve in these positions for the next two (2) years until the next election.

Mr. Hutchison contacted the three (3) individuals who had most recently served on the Board of Auditors. Mr. John Schilthuis and Mr. Wil Sollenberger both indicated their willingness to serve another two (2) years. Mr. Don Winters declined.

Mr. Shertzer made a motion to appoint Mr. John Schilthus and Mr. Wil Sollenberger to the Board of Auditors with their term ending on December 31, 2011. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

h. Appointment of Lancaster County Treasurer to Collect Real Estate Taxes

Mr. Hutchison explained that the Lancaster County Treasurer's office has been collecting the Township real estate taxes for many years. This position was on the ballot in November and the person who did receive a few votes declined the position.

Mr. Hutchison added that the County Treasurer's office has been doing a good job collecting these taxes and charges .75¢ per bill that they collect. Mr. Hutchison recommends that the Board appoint them to collect for 2010.

Mr. Shertzer made a motion to appoint the Lancaster County Treasurer's office to collect the Real Estate Taxes for East Lampeter Township for 2010. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- i. Appointment of Alternate Municipal Representative to the LCTCB Board – CV Region:
Mr. Pat Barrett, West Earl Township Manager

Chairman Buckwalter explained that at the December 7, 2009 Board of Supervisors meeting, Mr. Ralph Hutchison was appointed as representative of the CV Region to the Lancaster County Tax Collection Bureau Board. This appointment tonight is for the alternate representative which is Mr. Pat Barrett who is the manager of West Earl Township.

Mr. Shertzer made a motion to approve the appointment of Mr. Pat Barrett as the alternate representative of the CV Region to the Lancaster County Tax Collection Bureau Board. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Public Comment:

There were no additional public comments during this part of the meeting.

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, January 4, 2010 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager