

East Cocalico Township

Transportation Impact Fee Advisory Committee

Meeting Agenda

7:00PM, Monday, January 13, 2020, 100 Hill Road, Denver, PA 17517

- **Call to Order**
 - **Public Comment**
 - **January 14, 2019 Meeting Minutes Approval**
 - **Solicitor Matthew Crème's Legal Update**
 - **Committee Roster Update**
 - **Fees Collected**
 - **\$ 31,752.00** **Garden Spot Frame & Alignment**
 - **\$ 2,843.00** **DVGRR (Phase 2)**
 - **\$ 79,871.00** **Members 1ST**
 - **\$ 00** **Ingham Powder Coating***
 - **\$ 00** **Presidential Cabinets***
 - **\$ 36,288.00** **Reinholds Properties (Sturdy Built)**
 - **\$ 7,800.00** **Heatherwoods (Phase 4 & 5) 39 dwelling units @ \$200/dwelling unit**
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- \$158,554.00 TOTAL**

*Two-year postponement

- **Plans Expected to Pay**
 - No new large fees are anticipated in 2020 due to LERTA Tax Abatement that includes a 2-year delay in payment of TIF monies.
- **Transportation Projects Status/Discussion Items**
 - LERTA – Option for postponement of TIF payment for 2 years
 - Denver Interchange- Project has been added to the TIP and it is anticipated a Divergent Diamond Interchange will be installed.
 - Black Horse Commons Development – Related Capital Improvement Project (CIP) Updated
 - Cocalico Commons Shopping Center Update
 - Development update (Fox Brooke Development, Village at East Cocalico, Wabash Landing Phase 2
 - Updating the “Spur Road/272 Corridor Assessment” and future development an “Official Map”
- **Changes Possible**
- **Adjournment**

EAST COCALICO TOWNSHIP TRANSPORTATION IMPACT FEE ADVISORY COMMITTEE

The advertised meeting of the East Cocalico Township Transportation Impact Fee Advisory Committee was called to order on Monday, January 13, 2020 at 7:09 p.m., held at the East Cocalico Township Municipal Building, 100 Hill Road, Denver, PA 17517.

ATTENDANCE:

Members: Chairman Shad Sahm, Doug Nedimyer, Marcia Martin, May Roth, and Suzie Mackley

Staff: Penny Pollick, Township Manager

Engineers: John Schick, Transportation Engineer and Brent Lied, Land Planning Engineer

Solicitor: Ed Browne (standing in for Matthew Creme)

Visitors: Douglas Mackley

A proof of publication was distributed of tonight's Transportation Impact Fee Advisory Committee meeting; published in the Ephrata Review on December 11, 2019.

PUBLIC COMMENT: Nothing to report.

APPROVAL OF MINUTES:

MOTION: Ms. Mackley made a motion, seconded by Ms. Roth, to approve the January 14, 2019 Transportation Impact Fee Advisory Committee meeting minutes. Chairman Sahm asked if there were any comments or questions; there were none, motion carried (5/0).

SOLICITOR ED BROWNE'S LEGAL UPDATE: Mr. Browne distributed a Memorandum noting there has been no change in the state law and no appellate court comments on Traffic Impact Fees (TIF) since the Commonwealth Court opinion issued in the Metro Bank v. Manheim Township appeal of 2015. Mr. Browne noted that there was one recent recreation fee in lieu of dedication case that might have some application to TIF challenges from a strictly procedural point of view. Mr. Browne discussed that the Board of Supervisors have the statutory authority to establish "the tie, method and procedure for the payment of impact fees", and the TIF Committee has the duty to "monitor and evaluate the assessment of impact fees".

Mr. Browne noted that Solicitor Creme's name does not have an accent over any of the e's in his name.

COMMITTEE ROSTER UPDATE: Ms. Pollick introduced herself as the newly appointed Township Manager. John Schick of Rettew Associates introduced himself as the Township's appointed Transportation Engineer.

Discussions were held on when to hold the Transportation Impact Fee Advisory Committee meetings in the future. The Committee agreed to hold the annual meetings every January on the Monday before Martin Luther King Day.

MOTION: Ms. Mackley made a motion, seconded by Mr. Nedimyer, to approve the annual Transportation Impact Fee Advisory Committee meetings to be held in January on the Monday before Martin Luther King Day every year; next year the meeting will be held on Monday, January 11, 2021. Chairman Sahm asked if there were any comments or questions; there were none, motion carried (5/0).

EAST COCALICO TOWNSHIP TRANSPORTATION IMPACT FEE ADVISORY COMMITTEE

FEES COLLECTED:

Mr. Lied noted that full payment has been received for the following projects:

1)	Garden Spot Frame & Alignment	\$31,752.00
2)	Delaware Valley Golden Retriever Rescue (DVGRR) - Phase 2	\$2,843.00
3)	Members 1st - Federal Credit Unit (FCU)	\$79,871.00
4)	Ingham Powder Coating*	\$00
5)	Presidential Cabinets*	\$00
6)	Reinholds Properties (Sturdy Built)	\$36,288.00
7)	Heatherwoods - Phase 4 & 5 (<i>39 dwelling units @ \$200/unit</i>)	<u>\$7,800.00</u>
TOTAL:		\$158,554.00

*Two-year LERTA postponement.

Mr. Lied discussed the LERTA program noting that any delay in payment was at the Board of Supervisors discretion and also that deferment of a payment is allowed because of the Recreation Fees involved. Mr. Schick discussed how the fee is determined and rates for the uses. Ms. Pollick noted that the Township currently has \$136,270.55 in the TIF checking account, and the investments account contains \$534,900.99; for a total of \$689,171.54. Discussions were held concerning the fees collected and being applied to road improvements which can only be used on the impact fee eligible projects. Mr. Lied discussed the Eastern, Western, and Southern boundaries based on the intersection of Colonel Howard Boulevard, Denver Road, and Rt. 272. Mr. Schick noted an agreement that has been compiled for another Municipality wherein the developer could save 20% off the required TIF fee if they guarantee that they will complete the development by the time specified. Mr. Schick will send Ms. Pollick a copy of this agreement. Discussions continued on possible recommendations to bring before the Board of Supervisors.

PLANS EXPECTED TO PAY: Mr. Lied discussed there may be some residential development in the future. There are no new large fees anticipated in 2020 due to the LERTA Tax Abatement program which can and does include a two-year delay in payment of TIF fees required.

TRANSPORTATION PROJECT STATUS:

- LERTA - Discussed the postponement of TIF payment for 2 years, a recommendation of full payment at the time of final plan approval and when does the clock start for payment. Further discussions included a list of the 5-year TIF expirations, and a possible waiver for residential developments.
- Denver Interchange: The project has been added to the TIP and it is anticipated/hoped that a Divergent Diamond Interchange will be installed. Mr. Lied discussed.
- Black Horse Commons Development: Related Capital Improvement Project (CIP). Mr. Lied discussed and displayed. It was noted that the Board of Supervisors approved Mr. Schick to proceed with adding this plan to the CIP list.
- Cocalico Commons Shopping Center: Ms. Pollick noted that the developer has left the current plan expire.
- Mr. Lied and Mr. Schick review development updates - Fox Brooke Development, Village at East Cocalico, and Wabash Landing Phase 2.
- Mr. Lied discussed the updating of the Spur Road/Rt. 272 Corridor Assessment and future development of an Official Map.

CHANGES: Discussions were held on keeping track of the Transportation Impact Fees collected and where each project/fee stands. The following motions were made.

EAST COCALICO TOWNSHIP TRANSPORTATION IMPACT FEE ADVISORY COMMITTEE

MOTION: Ms. Mackley made a motion, seconded by Mr. Nedimyer, to ensure that the proper accounting procedures are put into place and that there is a current running spreadsheet reflecting the following: zones, districts, money collected, money used, the balance, special notes, and the end date. Chairman Sahm asked if there were any comments or questions; there were none, motion carried (5/0).

MOTION: Mr. Nedimyer made a motion, seconded by Ms. Mackley, authorizing the Township Solicitor to review the following legal items: (1) Is it permissible to ask the developers to sign an agreement/waiver that no monies can be refunded if the developer takes advantage of the LERTA program; and (2) when does the clock start (a) when the building permit is issued, or (b) when the plan is recorded. Chairman Sahm asked if there were any comments or questions; there were none, motion carried (5/0).

Discussions ensued regarding future quarterly TIFAC meetings, with the next one being in February 2020 for the Solicitor to report back on the suggested TIF Agreement and the compilation of spreadsheets as discussed earlier. The Committee agreed on the following 2020 dates for TIFAC meetings:

Wednesday, February 19, 2020 at 7:00 p.m.

Monday, May 11, 2020 at 7:00 p.m.

Monday, August 10, 2020 at 7:00 p.m.

An advertisement is to be placed in the local newspaper. The Committee discussed and agreed to hold quarterly TIFAC meetings every year thereafter starting in January at the date and time noted in the earlier motion.

ADJOURN:

MOTION: There being no further business to come before the Traffic Impact Advisory Committee, Ms. Mackley made a motion seconded by Mr. Nedimyer to adjourn the meeting at 8:55 p.m. Chairman Sahm asked if there were any comments or questions; there were none, motion carried (5/0).

Respectfully submitted,
EAST COCALICO TOWNSHIP

Penny Pollick,
Township Manager