

The advertised meeting of the East Cocalico Township Transportation Impact Fee Advisory Committee was called to order on Monday, August 9, 2021, at 5:00 p.m., held in-person at the East Cocalico Township Municipal Building, 100 Hill Road, Denver, PA 17517 by following the CDC guidelines of social distancing.

ATTENDANCE:

- TIF Committee:** Chairman Shad Sahn, Vice Chairman May Roth, Suzie Mackley, Doug Nedimyer, and Dave Lutz
- Township Staff:** Mike Hession Manager and Judi Lumis Financial Administrator
- Land Planning Eng.:** Brent Lied
- Transportation Eng.:** John Schick
- Solicitor:** Ed Browne
- Visitors:** June Kinback, Craig Ebersole, Doug Mackley, Josh Benton Crystale Sensenig, Romao Carrasco, Steve Graybill, Eddy McAlanis, Jarod Hynson, Alan R. Fry, Steve Brubaker, Claudia Shank, and Eric Mountz

This meeting was duly advertised in the Lancaster New Era on July 28, 2021.

PUBLIC COMMENT: There was no public comment.

MEMBERSHIP UPDATE: Chairman Sahn reported that Josh Benton, JSL Mechanical, and Crystal Sensenig, Oliver Sensenig Cattle Hauling, are here tonight and have expressed an interest in joining the committee and Jeff Lee also expressed interest, however, he is not in attendance. Chairman Sahn noted that if they are approved by the Board of Supervisors that should bring the total members on the Transportation Impact Fee Advisory Committee (TIFAC) in compliance with the requirements.

APPROVAL OF PAST MEETING MINUTES:

MOTION: Suzie Mackley made a motion, seconded by Dave Lutz, to approve the January 11, 2021, TIFAC meeting minutes. Chairman Sahn asked if there were any comments or questions. There were none. Motion carried. (5/0)

DISCUSSION / ACTION ITEMS:

REVIEW OF THE TRAFFIC IMPACT FEE REVENUES & EXPENSES REPORT - 2011 THRU 2021: Mr. Hession and Ms. Lumis summarized the Traffic Impact Revenue and Expenses 2011 to 2021 by Region Spreadsheet including the total revenues collected to date; the total expenditures to date; and the TIF fund balances delineated by districts and flex categories. Discussion followed concerning TIF funds currently being researched including a payment of \$12,056.00 from Four Seasons Produce Inc. and two (2) payments deferred for a two (2) year period. Comments and questions were asked which were answered. The following motion was presented.

MOTION: Mr. Lutz made a motion, seconded by Ms. Mackley, to approve the Traffic Impact Revenue and Expenses 2011 to 2021 by the Region Spreadsheet. Chairman Sahn asked if there were any comments or questions. There were none. Motion carried. (5/0)

DISCUSSION / ACTION ITEMS:

(CONTINUED)

CURRENT METHODOLOGY QUESTIONS BEING CONSIDERED BY THE SUPERVISORS - TOTAL TRIPS VS. NEW TRIPS AND THE USE OF TIF FUNDS FOR CIP AND NON-CIP PROJECTS: The TIFAC discussed the current methodology question being considered by the Board of Supervisors concerning total trips versus new trips and the use of TIF funds for CIP and non-CIP Projects. Mr. Hession summarized the issues currently being discussed by the Board of Supervisors concerning these methodology issues and noted that representatives from the Benderson Developer are at tonight's meeting to listen to the discussion and to provide additional input into the questions they have concerning these issues.

MOTION: Ms. Mackley made a motion, seconded by Mr. Nedimyer, to allow representatives from the Benderson developer to present information and to bring the TIFAC up to speed with their project. Chairman Sahm asked if there were any comments or questions. There were none. Motion carried. (5/0)

Claudia Shank from McNees, Wallace and Nurick introduced herself and Eric Mountz from Traffic Planning and Design and stated that the issue tonight for discussion is how does the Township calculates the traffic impact fee for new developments. Ms. Shank stated that their position for when calculating the trip generation for the project for PM peak hour trips is that the Township should not be considering internal capture trips and pass by trips as per the interpretation of the Trip Generation Manual. These trips should not be added when calculating the fee because pass by trips include traffic from vehicles already driving on the roadway by the development and internal capture trips are vehicles traveling within the development and these trips should not be used to calculate the fee. Ms. Shank stated that the Trip Generation Manual supports this interpretation which differs from the Township Ordinance, and this is the interpretation that they are asking the TIFAC to adopt.

Eric Mountz added that the Township's ordinance was adopted in 2011 and that referenced Appendix B for the calculation which was a prior version of that Manual, and that version did not incorporate the handbook and the handbook is where the developer would get credit for the pass by trips and the internal trips. The new version of the Manual and the handbook should account for the reduction of internal trips and pass-by trips. Mr. Mountz stated that their opinion is the traffic impact fee should be based on new trips which account for a reduction of internal capture trips and pass-by trips.

John Schick from Rettew responded that the Township's Ordinance is slightly different than the Act 209 which is what the Township Ordinance is based on. Mr. Schick state that in Act 209 there is no reference to pass by trips or internal trips, but instead just talks about trips generated by new development. The Township has interpreted the impact fee for transportation capital improvements is based upon the total cost of the roadway improvements adopted in the capital improvement plan within a given transportation service area attributable to the new development within the service area divided by the number of anticipated peak trips generated by all new development consistent with the adopted Land Use Assumption Report. For purposes of the impact fee, the Township's interpretation based on the Land Use Assumption Report does not provide for pass-by trip deductions. Discussion followed concerning the amount of future commercial/retail uses included in the Land Use Assumption Report and the potential for a significant impact fee to the developer along with the costs of off-site improvements required by PennDOT.

Mr. Mountz confirmed that there have not been any official submittals to PennDOT at this time and they are waiting for the determination from the Township due to the potential financial impacts. There have been

DISCUSSION / ACTION ITEMS:

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internal studies by the developer and he acknowledged that the potential costs are significant and therefore the developer is requesting a determination of how the fees are calculated and how the funds can be utilized. Mr. Schick confirmed that the Township has seen some preliminary information but limited information. Generally, he said at this stage a scoping meeting is held with the Township, PennDOT, and the developer and all the information, analysis, and cost is reviewed and discussed. However, the Township does not have that breakdown at this time.

Discussion followed concerning how the use of these funds is a policy decision and whether the Township's Ordinance and/or process should be updated to keep pace with the revised Trip Generation Manual and handbook. Ed Browne, Solicitor, stated that the interpretation from Mr. Schick of the ordinance is not wrong in any way and the manner in which the Township can be consistent in calculating these fees is the best policy moving forward.

Lengthy discussions continued on the potential uses at the site, the previous and current zoning of the tract, the calculations of trips, the potential use of TIF impact fees, clarification on the methodology, the process for how the fees have been calculated in the past, whether the Township's ordinance and process needs to be updated or re-interpreted, and the application of the ordinance uniformly. Mr. Browne noted that he has no issues with how Mr. Schick has been interpreting the Township's ordinance. He also stated that if the TIFAC wants to make a recommendation tonight it could make one to the Board of Supervisors that the TIF Solicitor and TIF Engineer take another look at whether the TIF Ordinance needs to be re-evaluated either in terms of amending it, or in terms of interpreting it, based on changes that have taken place with the national standards since 2011 when the Ordinance was enacted. Comments and questions were asked which were answered.

Following the discussion, Ms. Roth made a motion, seconded by Mr. Nedimyer, not to make a recommendation to the Board of Supervisors concerning this issue. Chairman Sahm asked if there were any comments or questions. There were none. Motion carried. (5/0)

POLICY DISCUSSION - PROPOSED GUIDANCE AND FORMAT TO USE WHEN APPLICANTS REQUEST TO PHASE TIF PAYMENTS: Discussion held concerning the development of a policy to use when applicants request a deferment in the payment of TIF fees and the following motion was made.

MOTION: Ms. Mackley made a motion, seconded by Mr. Nedimyer, to recommend that the Board of Supervisors set the TIF payment policy and terms at their discretion. Chairman Sahm asked if there were any comments or questions. There were none. Motion carried. (5/0)

Clarification on the motion just made was discussed and the TIFAC Committee decided to rescind the previous motion. Discussions held, and the following motion was made.

MOTION: Vice Chairman Roth made a motion, seconded by Mr. Nedimyer, to recommend that the Board of Supervisors offer the deferment of two (2) years as a standard for requests to phase the TIF payments for commercial and industrial projects. Chairman Sahm asked if there were any comments or questions. There were none. Motion carried. (5/0)

Mr. Lied stated that some projects are included on the Capital Improvement Projects (CIP) and some projects are not included in the CIP. Also, some CIP projects are not funded through TIF payments. Discussions held on the policies of the Board of Supervisors concerning whether these improvements can be used as a credit against their TIF payments. Lengthy discussions continued.

DISCUSSION / ACTION ITEMS:

(CONTINUED)

MOTION: Vice Chairman Roth made a motion, seconded by Mr. Nedimyer, to recommend the Board of Supervisors follow the Ordinance as they have done in the past concerning the use of these funds and to follow the recommendation of the advisors concerning the use of TIF flex funding. Chairman Sahn asked if there were any comments or questions. There were none. Motion carried. (5/0)

TRANSPORTATION IMPACT FEE (TIF) PROJECTS IN PROCESS: Mr. Lied highlighted the following projects:

- EARTH, TURF, AND WOOD – Two (2) year LERTA Payment Plan. Under construction.
- WABASH LANDING PH. 2 – Contributions being made as part of for Phase 2 for future road improvements on the order of \$25,000.00. Not in the TIF program. Project initiated prior to the TIF Ordinance. Conditionally approved.
- DORMAKABA BUILDING EXPANSION – A recent expansion. \$25,670.00 was paid, approved, and recorded.
- COCALICO COMMONS – Discussed at the beginning of this meeting.
- BLACK HORSE COMMONS DEVELOPMENT - HILL ROAD RE-ALIGNMENT PROJECT – Recently discussed. Has a CIP element. Related Zoning amendment that was submitted.
- THE CROSSINGS AT COCALICO (VILLAGE OVERLAY) – TIF impact study assessment discussions with PennDOT.
- ZIMMERMAN HOME BUILDERS (VILLAGE OVERLAY) – Line Road/Weaver Road - 124 units mixed/residential.
- 196 SWARTZVILLE RD. SUBDIVISION (GRANDE CONSTRUCTION) – Currently in discussions with PennDOT and potential improvements at SR 897 and SR 272.
- RED RUN EXHAUST – TIF has been calculated, but not yet received from the applicant.
- 985 BUILDING PH. II EXPANSION/STURDY BUILT – TIF fees being calculated, but not yet paid.

TIF PROGRAM CAPITAL IMPROVEMENT PLAN (CIP) - DISCUSSION/UPDATE TIMELINE, REQUIREMENTS AND COST: Mr. Lied and Mr. Schick discussed, noting this was previously discussed, that the Black Horse may require an amendment to their approach. A possible amendment to the CIP may be needed for the project. A Zoning Map amendment and Zoning Ordinance amendment also has been requested.

FUTURE MEETINGS TO BE SCHEDULED: After some discussions, it was determined to hold the next TIFAC meeting on Tuesday, October 19, 2021, at 7:00 p.m.

ADJOURN:

MOTION: There being no further business, Vice Chairman Roth made a motion, seconded by Ms. Mackley, to adjourn the meeting at 9:46 p.m. Chairman Sahn asked if there were any questions. There were none. Motion carried. (5/0)

Respectfully submitted,

Lisa A. Kashner
East Cocalico Township Recording Secretary