

May 3, 2010

The East Lampeter Township Board of Supervisors met on Monday, May 3, 2010, 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. John Shertzer, and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

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

Ken Hornbeck, High Real Estate Group, 1853 William Penn Way, Lancaster, PA 17608  
Mark Johnson, RGS Associates, 15 S. State Street, Brownstown, PA 17508, representing Mill Creek Square  
Rick High, 852 Stumpf Hill Drive, Lancaster, PA 17601

Announcement of Executive Session:

Chairman Buckwalter announced that an Executive Session was held on April 27, 2010 to discuss personnel issues.

Minutes of April 20, 2010 Special Meeting:

Chairman Buckwalter explained that these minutes were for a special meeting that was held on April 20, 2010 prior to the regular meeting. This special meeting was for conducting a public hearing to consider a petition for rezoning filed by Chick-fil-A, Inc., which seeks to have a tract of land, consisting of approximately 1.907 acres, situated on the north side of Lincoln Highway (US Route 30) and east of Willowdale Drive, East Lampeter Township, Lancaster County, Pennsylvania, rezoned from Residential District R-2 to Commercial District C-2. He asked if there were any corrections or additions to the minutes. There were no comments.

A motion was then made by Mr. Landis and seconded by Mr. Eberly to dispense with the reading of the minutes and approve the minutes as presented. The motion was passed by unanimous voice vote.

Minutes of April 20, 2010 Regular Meeting:

Chairman Buckwalter asked if there were any additions or corrections regarding the minutes from the April 20, 2010 regular meeting as prepared. There were no comments.

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 indicated that bills represented by various funds in the amount of \$265,041.81 were presented for payment. Chairman Buckwalter stated that included in this amount is an annual contribution of \$3,000.00 to the CV Little League, an annual payment of \$8,134.00 to the Humane League for the 2010 contract of service, a payment of \$12,606.72 to LASA for the first quarter sewer transmission charges, and \$8,141.61 to Witmer Associates for weapons and ammunition. A motion was

made by Mr. Rutt and seconded by Mr. Eberly to approve payment of bills as listed in the amount of \$265,041.81. The motion was passed by unanimous voice vote.

Old Business:

- a. Consideration of Settlement Agreement re: Appeal of Zoning Hearing Board Decision on Bridgeport Shopping Center Sign

Mr. Hutchison explained that some time ago the Board decided to appeal a decision of the Township Zoning Hearing Board related to an approval that they gave for a sign at the Bridgeport Shopping Center. Since then, there have been discussions with the property owner about some way to settle the dispute between the Board and the Zoning Hearing Board. They have ultimately negotiated a proposed settlement agreement which would have them erect a new free standing sign on the property. The sign would be 120 square feet in size and 20 feet high. The existing sign on the property would be removed. Mr. Hutchison added that staff believes this settlement is a good solution to resolve the dispute.

Mr. Landis asked if there is a time framed attached to this if it is approved.

Mr. Hutchison replied that they would be complete with having the new sign erected and the existing sign removed by July 1, 2010.

Mr. Eberly made a motion to approve the settlement agreement for the Bridgeport Shopping Center sign. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

- b. Mill Creek Square Land Development Plan Waiver / Deferral re: Ross Canopy

Chairman Buckwalter recused himself from participation in this agenda item due to his employment in the High organization. He asked Vice Chairman Rutt to chair the meeting for this item.

Mr. Ken Hornbeck of High Real Estate Group introduced himself as representing Mill Creek Square Shopping Center. He also introduced in attendance Wayne Stevens of Greenfield Architects, Mark Johnson of RGS, Steve Evans of High Associates, and Rick High.

Mr. Hornbeck requested that the Board consider allowing a minor modification to one of the tenant's buildings in the shopping center. He then reviewed the plans for the proposed change.

After a brief discussion, Mr. Eberly made a motion to defer land development planning for the Ross canopy change until revised final plans are submitted. Mr. Shertzer seconded the motion and it was passed by a vote of four in favor and one abstaining. Chairman Buckwalter abstained.

Mr. Hornbeck clarified that this approval allows them to move forward with this change in the field now.

Vice Chairman Rutt responded yes.

Chairman Buckwalter rejoined the Board at this time.

New Business:

None

Other Business:

- a. Resolution for PA DOT Reimbursement & Maintenance Agreement re: SR 0462

Mr. Hutchison explained that PennDOT is planning on milling and resurfacing Rt. 462 from Broad Street to Greenfield Road. One of the elements of this project is the requirement of ADA standards that any of the pedestrian facilities affected by roadway alterations or construction projects shall be updated to current accessibility. PennDOT plans on during these improvements during this project. Some of these improvements will be the responsibility of the Township because they are crossing Township roads and private driveways rather than intersecting with state highways. Staff feels the best solution is to have PennDOT's contractor do the work and then the Township will reimburse them for the work completed. They have estimated the Township's cost to be a little less than \$16,000.00.

Mr. Eberly made a motion to approve the resolution for the PA DOT Reimbursement and Maintenance Agreement. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

- b. Request to Use Township Road for 5K Race Event – Tanger Outlets: Saturday, October 9, 2010

Mr. Hutchison explained that the race would cross over Millstream Road to the Lancaster Mennonite High School campus and use their 5K course for this event. The race would start and finish at the Tanger Outlets.

Mr. Shertzer made a motion to approve the request to use the Township road for the 5K race event on Saturday, October 9, 2010 crossing over Millstream Road from the Tanger Outlets. Mr. Rutt seconded the motion and it was passed by unanimous voice vote.

- c. Proposals for Seismic Refraction Survey re: Strasburg Pike / Windy Hill Road / Millstream Road Intersection Improvement Project

Mr. Hutchison explained that the Township is working on all the preconstruction work that is necessary in making the improvements to this intersection. The construction work will actually be done by PennDOT which is funded through the current transportation improvement program.

Mr. Hutchison added that one of the preconstruction activities is to figure out where the rock is, how deep it is, and what the rippability is. The purpose of this is so when the bidders are looking at this project, they have some clue about how much rock they would be dealing with. With the help of ELA Group, the engineering firm who is working with the Township on the design of the project, three (3) firms submitted proposals for performing the survey. The firm will do all the traffic control during this process which consists of slowing moving a machine down Strasburg Pike to perform the survey. Enviroscan, Inc. submitted a bid for \$5,580.00 to perform the seismic refraction survey.

Mr. Landis made a motion to approve Enviroscan, Inc. to complete the seismic refraction survey for the Strasburg Pike / Windy Hill Road / Millstream Road intersection improvement project. Mr. Shertzer seconded the motion and it was passed by unanimous voice vote.

Public Comment:

There were no comments.

Adjournment:

A motion was made by Mr. Shertzer and seconded by Mr. Eberly to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Tuesday, May 25, 2010 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager