

May 20, 2008

The East Lampeter Township Board of Supervisors met on Tuesday, May 20, 2008 at 7:30p.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. David Buckwalter, Mr. Glenn Eberly, Mr. Michael Landis, Mr. G. Roger Rutt and Mr. John Shertzer. Also present was Mr. Ralph Hutchison, Township Manager.

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

Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601, representing CVCC
Fred Daum., 2142 New Holland Pike, Lancaster, PA 17601
Mark Johnson, RGS Associates, Brownstown, PA 17508, representing Mill Creek Square
Ross Ansel, Greenfield Architects, Lancaster, PA 17605, representing Mill Creek Square
Wayne Stevens, Greenfield Architects, Lancaster, PA 17605, representing Mill Creek Square
Susan Snyder, 435 Mt. Sidney Road, Lancaster, PA 17601
David V. Martin, 350 Sunlite Circle, Lancaster, PA 17602
Gary Hoover, 2568 Bachmantown Road, Ronks, PA 17572

Minutes of May 5, 2008 Regular Meeting:

Chairman Buckwalter indicated that copies of the minutes of the May 5, 2008 regular meeting were available for review. Chairman Buckwalter asked if there were any comments regarding the minutes as prepared. There were no comments.

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

Bills:

Chairman Buckwalter then indicated that bills represented by various funds in the amount of \$228,038.68 were presented for payment, copies of which were available for review. He noted that this amount included \$105,000.00 for the purchase of five new police vehicles which were budgeted for this year and a payment of \$8,310.00 for the installation of the mini disc golf course in the Community Park. He clarified that the Sertoma Club would be donating funds for the golf course. After review of the bills list, a motion was made by Mr. Landis and seconded by Mr. Rutt to approve payment of bills as listed in the amount of \$228,038.68. The motion was passed by unanimous voice vote.

Youth Aid Panel Recognition:

Chief John Bowman introduced the four members of the Youth Aid Panel which included Donna Hurley, Mark Lopez, Wayne King, and Diana Netherton. He then gave a brief history of the panel which was started in the Spring of 2006 and involved the members

going through an eight week training program offered through the Lancaster County District Attorney's office. The volunteers deal with first time summary and misdemeanor juvenile offenders. Chief Bowman then presented each of them with a plaque. Chairman Buckwalter also commented on his appreciation for the service that they are providing to the youth of this township.

Old Business:

- a. Request for Financial Security Reduction – Satguru Motel / Restaurant:
Lincoln Highway East

In a letter from our engineering group, David Miller Associates, it recommends a financial security reduction in the amount of \$155,334.00. \$225,466.00 would remain in the guarantee after this reduction is made. No one was in attendance to represent this item. Mr. Eberly made a motion to accept this reduction as presented. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

- b. Request for Financial Security Reduction – Dart Container: Pitney Road

In a letter from our engineering group, David Miller Associates, it recommends that \$298,777.00 be released from the financial security at this time. \$31,022.00 would remain in the guarantee after this reduction is made. No one was in attendance to represent this item. Mr. Shertzer made a motion to accept this reduction as presented. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

- a. Mill Creek Square Preliminary Land Development Plan #08-11: 2350
Lincoln Highway East

Chairman Buckwalter recused himself from participation in this agenda item and also items b. and c. due to his employment in the High organization. Vice Chairman Rutt chaired the meeting for this agenda item and also items b. and c.

Mr. Ken Hornbeck of High Associates representing the preliminary land development plan, reviewed the plan in order to receive the preliminary approval. Mr. Mark Johnson of RGS Associates, the civil engineer for the project, then reviewed the comments from DMA and LCPC. Mr. Shertzer asked about the sidewalk waiver and if the current sidewalks would be used. Mr. Johnson replied that new sidewalks would be installed to coincide with the landscaping design.

Mr. Shertzer then asked Mr. Johnson the date on the notes from which he was reading at which time it was discovered that Mr. Johnson's comment letter from DMA was dated May

19, 2008 and the board member's most recent letter in which they were following was dated April 10, 2008. It was decided to follow the May 19, 2008 letter.

There was a brief discussion on the water to be supplied to the development. Mr. Hutchison questioned whether the end of the one waterline would include a fire hydrant. Mr. Johnson stated that although it is not on the preliminary plan, there would be no problem adding this.

The next discussion involved the concern of the township staff and engineers on the internal intersection, which is the intersection when you come into the shopping center off of Route 30. Mr. Hutchison said the concern is a safety issue with the intersection and that it would be better to have just one lane coming into the shopping center rather than two. Mr. Johnston did not have an answer on what could be done to improve this intersection but did say that he would hope this concern would not hold up the decision of the plan approval.

Mr. Hornbeck then spoke on the architectural design of the project and displayed a plan. Lois Duling then commented on the design and expressed her concern on the design not blending in with the history of Lancaster County. A third plan was then reviewed. Mr. Scott Euward representing Richard Bowen and Associates who are the architects for Kohl's, which is the major tenant for the shopping center, expressed that he has been working with Greenfield Architects with the color and materials that are to be used so that Kohl's will be uniformed with the rest of the shopping center.

Mr. Fred Daum asked who was involved in the Route 30 study to unify the eastern corridor and hoped that this group was working to tie in with this. Mr. Hutchison stated that it is the Lancaster County Planning Commission and that the Commission was holding a meeting the following night to discuss the preparation of a plan.

Lois Duling asked if they have ever done a market study for what color attracts shoppers. Mr. Johnson said that he believes that the work that Greenfield Architects does is outstanding and believes they have the knowledge of what colors to use for marketing.

Glenn Eberly then commented that the Kohl's design was much different than the rest of the sites design and how it stood out from the rest. Mr. Euward said that his firm has built approximately fifty Kohl's stores per year and in contrast with the other Kohl's stores that this one has been heavily upgraded. Mr. Landis then also commented that the Kohl's store was not fitting in with the project. At this point, Mr. Hornbeck suggested that they should come back to the Board with revised architectural design. He then asked if the entire Board had the same opinion on the architecture design. Mr. Shertzer did not agree with the Board and felt as though Greenfield Architects projects always were of good quality and thought the design would be good.

Susan Snyder comments that it is the quality of the products in the store that attracts the customer and not the outside design.

Mr. Shertzer then asked what might change from the preliminary plans to the final plans. Mr. Hornbeck said nothing with the land development plan would change.

Caroline Hoffer discussed Condition #33 as part of the preplan approval to install a traffic light at Route 30 and Greenland Drive. There was a lengthy discussion regarding the resolution of Condition #33. Susan Snyder commented that she does not believe that the traffic light will help improve the conditions on Route 30.

Mr. Shertzer made the motion to approve the preliminary land development plan granting the two waivers that have been requested including the agreement between the Township and FCD development on the traffic signal at Route 30 and Greenland Drive.

The motion was seconded by Mr. Landis and passed by unanimous voice vote.

Mr. Shertzer also made the motion to approve Condition #33. Caroline Hoffer then asked that it be put in the minutes that Condition #33 requirements do not include the widening of Route 30 up to Harvest Drive and that it is just for installing the traffic light at Greenland Drive.

Chairman Buckwalter rejoined the Board at this time.

d. Request for ECHO Agreement – David Martin: 350 Starlite Circle

Mr. Martin approached the Board about the ECHO Housing Agreement for his mother. Mr. Landis made the motion to approve this request. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Other Business:

a. Ordinance: Growing Together Implementation Agreement

Chairman Buckwalter announced that the Board has decided to approve the Growing Together Implementation Agreement plan that the Township has been a part of. It involves 11 municipalities. Mr. Hutchison explained the Implementation Agreement requires an Ordinance in order for this Agreement to be adopted. Mr. Daum then questioned what this agreement does. Chairman Buckwalter then explained that LMIC developed this plan four years ago. Mr. Hutchison then explained that what the plan does is to allow the municipalities to work together. The public displayed concern on adopting this agreement, but after a lengthy discussion Mr. Eberly made the motion to approve this agreement. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

New Business:

b. High Steel Subdivision Plan #08-15: 140 Greenfield Road

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

Mr. Ken Hornbeck of High Associates representing the applicant asked that this item be deferred until the next Supervisor's Meeting due to the engineer not being present and he was not familiar enough to present it himself. Mr. Shertzer made the motion to table the plan until the next meeting. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- c. Request for Waiver of Land Development Planning – Isaac's Restaurant:
565 Greenfield Road

Mr. Ken Hornbeck of High Associates representing the applicant explained that Isaac's has requested that High Associates assist them in acquiring a permit to construct an outside pad and cooler unit for the restaurant. The existing cooler unit inside the building would be removed to expand the kitchen facilities. No additional seating would be added. Mr. Eberly made the motion to approve this request. The motion was seconded by Mr. Shertzer and passed by unanimous voice vote.

Chairman Buckwalter rejoined the Board at this time.

Other Business:

- b. Appointment of Township Representatives to CV Community Center
Advisory Committee

Chairman Buckwalter explained that at the last Township meeting Mary Clinton made a request that the Township appoint representatives to a CV Community Center advisory committee. At that time, Chairman Buckwalter was unaware that an advisory committee existed and at this time still does not. He said that some tentative arrangements could be made at this time anticipating that there will be such a committee formed. Mr. Shertzer suggested Mr. Rutt if he would be open to this appointment if a committee is formed. Mr. Rutt accepted this appointment. Mr. Eberly made the motion to appoint Mr. Rutt. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

- c. Consideration of Settlement Agreement Re: Lowe's – Hempstead Road

Chairman Buckwalter asked Mr. Hutchison to lead the Board on this item. Mr. Hutchison explained that the Township had appealed several actions that had been taken by the City of Lancaster which were all related to the redevelopment of the former Kemp's location into a Lowes. The Township was able to meet with representatives from Lowes to get them to agree with certain modifications of the plan. Council for the Board, Mr. Matthew Crème, Esq., feels that the Township has achieved all that they can and recommends that the Board accept settlement of these appeals. This settlement would remove these appeals and would eliminate the need to go to court. Lowes has received all their approvals and will be

continuing with the project. Therefore, there is actually nothing else that can be done. Mr. Ken Hornbeck of High Associates applauded the developer on the use of this land, but then expressed his concern of the traffic in this area. A discussion about the traffic concerns then took place. Mr. Landis made the motion to agree to this settlement. The motion was seconded by Mr. Eberly and passed by unanimous voice vote.

Public Comment:

Mr. Gary Hoover, 2568 Bachmantown Road, Ronks, PA brought up the issue of his brother, Mr. Wayne Hoover, and his towing business in East Lampeter Township being suspended by the East Lampeter Township Police Department due to Mr. Wayne Hoover being a convicted offender. Mr. Hutchison explained that this matter in being handled in the courts and that the Board should use caution in proceeding with this discussion, due to the fact that it might come back to the board to make a decision at a later time.

Mrs. Susan Snyder, 435 Mt. Sidney Road, Lancaster, PA told the Board that the men in Witmer have said that the John Bear farm has been sold to Keystone and that it is zoned agricultural.

There were no other 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, June 2, 2008 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison
Township Manager