

November 12, 2007

The East Lampeter Township Board of Supervisors met on Monday, November 12, 2007 at 7:30p.m. at the East Lampeter Township Office, 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was called to order by Chairman Eberly and was followed by the Pledge of Allegiance. Supervisors present were: Mr. Glenn Eberly, Chairman, Mr. David Buckwalter, Vice Chairman, Mr. Michael Landis, Mr. Roger Rutt and Mr. Wilbur Sollenberger. Also present was Mr. Ralph Hutchison, Township Manager.

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

Mr. Irl & Mrs. Lois Duling, 824 Stumpf Hill Drive, Lancaster, PA 17601

Mr. Don Hess, Esq. representing Country Club Apartments

Mr. Jared Mellinger, 312 Laurel Oak Lane, Lancaster, PA 17602

Chairman Eberly noted that it was Veteran's Day and that he wished to thank all Veteran's for their service. He also asked that everyone in attendance share a moment of silence in honor of Mr. Ralph Masten, a member of the Township Zoning Hearing Board, who passed away the previous weekend.

#### **Minutes of October 16, 2007 Regular meeting:**

Chairman Eberly indicated that copies of the minutes of the October 16, 2007 regular meeting were available for review. Chairman Eberly asked if there were any comments 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 Eberly also indicated that bills represented by various funds in the amount of \$371,895.58 were presented for payment, copies of which were available for review. He also noted that the bills list includes debt service payments of approximately \$202,000. After review of the bills list, a motion was made by Mr. Rutt and seconded by Mr. Sollenberger to approve payment of bills as listed in the amount of \$371,895.58. The motion was passed by unanimous voice vote.

#### **Old Business:**

a. Resolution to accept dedication of Roads: The Oaks

Chairman Eberly indicated that documents that were expected from Mr. Horst, the developer, did not arrive and that the Board could not therefore act on the proposed dedication. Mr. Hutchison indicated that he had communicated with the Solicitor's office who confirmed that some items are still missing. He also indicated that he hoped that this item would be ready for action at the Board's December 3, 2007 meeting.

b. Park & Open Space Requirement Proposal – Country Club Apartments: Pitney Road

Mr. Don Hess, Esq. was in attendance to represent this proposal. Mr. Hess said that the applicant had been before the Board in September to discuss this proposal. He then presented the Board members with a letter dated November 12, 2007 outlining the applicant's revised proposal for meeting the Park & Open Space requirements. Mr. Hess reviewed the proposal which included two options for the Board to consider. There was considerable discussion regarding the proposals. At the conclusion of these discussions, a motion was made by Mr. Rutt to table action on this proposal to the Board's December 3, 2007 meeting. The motion died for lack of a second to the motion.

Mr. Sollenberger then made a motion to reject the proposal of the applicant for compliance with the Park & Open Space requirements for the Country Club Apartments plan and to require that the applicant pay a fee in lieu of parkland dedication in the amount of \$289,601 based upon the 2.565 acres of land required and a predevelopment land value of \$112,905. The motion was seconded by Mr. Eberly and passed by a vote of three in favor and two opposed. (Mr. Rutt and Mr. Buckwalter voted against the motion)

c. Time Extension re: Mark Properties Land Development Plan – Pitney Rd.

Chairman Eberly indicated that there have been time extensions granted to this plan previously. Mr. Hutchison said that the applicant had been before the Township Planning Commission at which time the Planning Commission recommended various changes to the plan. He then suggested that if the Board is inclined to approve of this time extension that the Board indicate that this will be the last time extension granted for this plan. Mr. Buckwalter then made a motion to grant the requested time extension to Mark Properties subject to the condition that this would be the final time extension granted to this plan. The motion was seconded by Mr. Landis and passed by unanimous voice vote.

d. Request for Financial Security Reduction – Doug Sensenig: Creek Hill Rd

Chairman Eberly noted that the Township Engineer recommended a reduction of the Financial Security for the Doug Sensenig subdivision on Creek Hill Road. After a brief discussion, Mr. Rutt made a motion to approve of the financial security reduction for the Sensenig Subdivision along Creek Hill Road as recommended by the Township Engineer. The motion was seconded by Mr. Buckwalter and passed by unanimous voice vote.

e. Request for Financial Security Reduction – Tim Lapp: Witmer Road

Chairman Eberly noted that the Township Engineer recommended a reduction of the Financial Security for the Lapp subdivision on Witmer Road. After a brief discussion, Mr. Landis made a motion to approve of the financial security reduction for the Lapp subdivision along Witmer Road as recommended by the Township Engineer. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

f. Presentation re: Mill Creek Square Shopping Center proposed Architecture

Mr. Ken Hornbeck of High Real Estate Group was in attendance to address the Board. Mr. Hornbeck indicated that Mr. Jim Castillo of Faison and Mr. Frank Fox of Greenfield Architects were also in attendance with him for this presentation. Mr. Hornbeck indicated that they wanted to informally review the architectural theme for the project as it has been refined since the time of the conditional use hearings on the project. He also indicated that they were not seeking any action from the Board.

Mr. Fox then reviewed several renderings for the proposed buildings and the architectural features and materials shown in each rendering. He also compared these renderings with those shown to the Board during the conditional use process. There was an extensive discussion regarding the architecture.

Mrs. Duling also shared her view that the renderings did not represent an attractive or charming design for these buildings.

Mr. Landis encouraged the applicant to design a quality project that will last over long time period rather than something that will wear out. Mr. Sollenberger indicated that he liked the historic Lancaster themes presented in the renderings presented during the conditional use process and that he saw some of those elements in the new drawings. Mr. Rutt expressed his preference for the masonry materials and a variety of colors shown in the renderings. Mr. Eberly said that he liked the changes in elevations and any elements that will create a look that is different than a typical “big box”.

Mr. Castillo suggested that they would like to return to a future Board meeting to share additional information and perhaps samples of the materials that they are proposing to use in the project.

**New Business:**

None.

**Other Business:**

- a. Consideration of Upper Leacock Township request for Financial support re: Lap Pool

Mr. Hutchison indicated that the lap pool in the Leola Park was not used this past summer season due to leaks and other operational problems. He further stated that Upper Leacock Township has received bids for the necessary repairs and renovations to the lap pool in order to make it useable for the 2008 season. He also indicated that he met with the Township Manager's from Upper Leacock and West Earl and the Business Administrator from Conestoga Valley School District where he learned that the low bid for this work was indicated to be \$412,360 plus approximately \$50,000 for pump house renovations for a total cost of about \$462,360. Mr. Hutchison further indicated that Upper Leacock Township was requesting that all three Township and the School District share in the cost of these repairs and renovations. He stated that the sharing arrangement that was discussed was based upon the number of membership accounts purchased during the 2007 season and that on this basis East Lampeter's share of the cost would be 21% or \$97,095 in lump sum or about \$8,000 per year for 20 years if a borrowing were used to finance the work. Mr. Hutchison also said that Upper Leacock's Board of Supervisors would be meeting on Thursday, November 15, 2007 at which time they plan to decide on whether or not to accept the contractor's low bid for the work so that the work can be completed in time for the 2008 season.

Chairman Eberly indicated that he felt that the Township has a great working relationship with Upper Leacock that he wants to continue but that he was torn between wanting to help and having East Lampeter tax payers pay for something owned by another Township. Mr. Landis expressed concern for the amount of the contribution compared to the relatively low number of memberships from East Lampeter at the pool. He then suggested that the Township offer 10 to 12% as a good neighbor rather than 21%. Mr. Sollenberger asked about the rate structure at the pool and whether or not East Lampeter residents pay a higher rate for access to the pool. He also expressed concern that there were not a high percentage of Township residents using the pool. Mr. Sollenberger then suggested that the Conestoga Valley Recreation Commission concept should be pursued to address these kinds of regional issues. Mr. Buckwalter expressed his concern for the time pressure to make this decision so quickly. He then suggested that perhaps the Township could agree to a limited participation under certain conditions which should include paying the membership rates which are no higher than anyone else's and that there be a broader committee overseeing the operation of the pool.

Chairman Eberly asked if it was anticipated that Upper Leacock would go ahead with the repairs regardless of the Board's decision to contribute or not? Mr. Hutchison said that he did not know but that it was his sense that they would not proceed without being able to share the costs. Chairman Eberly also asked about the possibility that the School District would eventually work with the Townships to make this an indoor year round facility to meet their needs? Mr. Hutchison said that Mr. Seldomridge indicated that the School District would be interested in helping to enclose the lap pool for the use of the swim team during their winter season and that if they could be certain that the enclosure would

happen, and then the School District would be more likely to participate in the repairs at this time. He further indicated that Mr. Morris has indicated that the estimated cost for enclosing the pool is \$1 million but that they have no plans or schedule for doing so.

Chairman Eberly also expressed his concern for the need to make this decision so quickly and that he would prefer to see a regional recreation committee in place to oversee these kinds of regional use facilities.

Mr. Buckwalter indicated that he would feel better about the contribution if there would be a separate Board overseeing the operation and that there would be separate accounting for the pool operation. He said that in this way if the pool would operate in a way which generates more revenues than it has in expenditures, though this may be unlikely, then perhaps East Lampeter could benefit from participation.

Chairman Eberly asked if a joint meeting of the Townships Boards of Supervisors could be held in order to discuss this issue directly with the other Supervisors. Mr. Hutchison indicated that such a meeting could be organized so long as it would be advertised as a public meeting.

Mr. Duling asked about the history of how the pool was built and why Upper Leacock apparently has not provided for the long term maintenance of a facility which they own. Mr. Rutt said that he would like to know why the Upper Leacock Board felt that it was a good idea to take over the facility from the private group that built it. Mr. Duling said that he felt that this was a lot of money to spend on a facility that is only used three months each year.

Mr. Buckwalter said that he was inclined to help with this project but not without certain strings attached which may or may not be acceptable to Upper Leacock. He then made a motion to authorize Township participation in the costs of repairing the Upper Leacock lap pool in the amount requested subject to the following conditions:

1. That the rate structure for the pool would be changed so that East Lampeter Township residents will have the benefit of paying the lowest rates charged .
2. That there would be separate accounting of the revenues and expenditures for the pool established by the end of 2009.
3. That there would be a separate Board created, including representation for East Lampeter, to oversee the operation of the pool by the end of 2009 and
4. That within the next three months a joint meeting including East Lampeter, Upper Leacock, West Earl and Conestoga Valley School District be held to further discuss this matter.

The motion was then seconded by Mr. Landis and passed by a vote of four in favor and one opposed. (Mr. Rutt voted against the motion)

b. Authorization to release Draft 2008 Budget for Public Inspection

Mr. Sollenberger made a motion to authorize the release of the Township's 2008 draft budget for public inspection. Mr. Rutt seconded the motion which then passed by unanimous voice vote.

**Public Comment:**

None.

**Adjournment:**

A motion was made by Mr. Landis and seconded by Mr. Buckwalter to adjourn the meeting. The motion was passed by unanimous voice vote. The next regularly scheduled meeting is to be held on Monday, December 3, 2007 beginning at 7:30 pm.

Respectfully submitted,

Ralph Hutchison  
Township Manager