

July1, 1999

There was a workshop session on Thursday, July 1, 1999 between the Lake Heritage Property Owners Association Board members, The Boyle Group and the Township Supervisors. The meeting was held at 2:00 PM in the Township Municipal Building. Board President Gerald Royals, Earnest E. Long, Jr. and John Leino represented LHPOA Board. The Boyle Group was represented by Michael Wachs, vice-president of Delancey Investment Group, Attorney Carl Primavera, and engineer Tom Smith of Rettew Associates. A summary of the discussion follows:

Township Solicitor Walton V. Davis opened the session by stating the purpose of the meeting to be working out a possible agreement between LHPOA and The Boyle Group. The Supervisors are here to watch; the Township doesn't want to be a party, but the way things are going, it looks as though the Township may become the recipient of Heritage Drive. Davis further stated that the Township can't and won't be restricted by an agreement regarding (1) Heritage Drive receiving priority in matters like plowing or paving (2) the Township believes that if it is intended that there be a short cut through Yingling's, the Township engineer says absolutely not. (3) LHPOA wants assurance that the improvements will be sufficient that their people won't be limited in their ability to get in and out. "Don't sweat the small stuff"; the Township engineer will oversee everything.

LHPOA Solicitor James Yingst asked if any thought had been given to the width of the road and Davis answered that it would meet SALDO requirements.

Royals said that they (LHPOA Board) were studying the letter of June 4, 1999, but had not had sufficient time.

Primavera said that today a 'first cut' should be taken through the June 4, 1999 letter and give reactions. There are (1) issues where the developer doesn't have any interest or control (2) things which hopefully can be addressed today and (3) compensation issues.

Yingst again asked about the width of the road. Wachs answered that this was up to the Township and the engineers. Yingst said that Lake Heritage would like to maintain and mow. Davis said that the Township only cares about the correct number of lanes.

Primavera asked about the possibility of a private contractor clearing the road. Davis replied that for liability reasons, proof of insurance coverage, it is not known if the Township wants to be put in a binding agreement. Royals said that perhaps there could be a contract with the Township to plow as in the past.

Wachs thinks the next group of issues can be covered in bulk; the engineers have met and discussed issues with regard to paving.

In regard to a sidewalk, there is no sidewalk there today. According to Mt. Joy Township code, it is at the Township's discretion if it is needed. Yingst responded that a number of

persons use this area for walking, biking, etc. and with extra traffic being added, it is felt that a sidewalk is needed.

Smith commented that 50' would not be adequate to provide a grass strip between the road way and sidewalk.

Wachs asked if the pillars, cannons, etc. were to be moved to where the Township road ends and was answered 'Yes'.

In regard to the June 4, 1999 letter, #6, a, there was a question if the signs at the entrance to Lake Heritage would be on Lake property; answered 'Yes'. In regard to #6, b, Yingst asked where in the 750' would the directional sign designating the lane to turn to Yingling's would be located. It was indicated that this sign would probably be at the point where the left hand turn lane begins.

In regard to #7, site distance is an engineering issue. There was a question as to where the two permanent freestanding signs would be located. Bill Chantelau said that these would be at PA 97/Heritage Drive so people would know where to turn to Lake Heritage. Tom Smith said he didn't know if these signs could be in the State right-of-way. Wachs said that in regard to #7, b, regarding auction signs for Yingling, they have no control over this. Yingst said that the Lake signs are not to be obscured by auction signs (7c).

Davis said that it should be considered if a TODS (tourist oriented directional sign) would do. Smith said they will discuss this issue with PennDot.

In regard to #8, use as a possible short cut through Yingling's parking lot, they have no control over this. Yingst said that they are asking that Yingling would not block off the access when the auction house is not open for business because of an emergency situation. Yingling will benefit from this; they are not trying to have a shortcut. Primavera said that this could be described as 'emergency access only'.

Regarding #9. Primavera said that they have no interest in the commercialization of either side, no billboards. Yingst commented that if the Lake controls the shoulders on either side, they can control what signs or whatever is there.

The engineers will work out the signal and signal arrows at the intersection of Heritage Drive and PA 97. (#10)

In regard to compensation, it is hoped to come out with an agreement in principle. It is hoped that if they can come to terms, they can come to an agreement in a reasonable amount of time.

Tom Smith met with John Sites, engineer for Lake Heritage. In regard to the proposed paving section, this will be typical PennDot paving to the Township's standard. If this is to become a truck access for Yingling's perhaps it should be heavier. This can be worked out

with the Township if acceptable to LHPOA. It may be stronger than a Township collector street. Smith further commented about lane usage and striping. Studies done find that three outbound lanes are not necessary; the middle lane just goes to 7-11. It would be best to have three lanes, two out, one in. Turning movements must meet State's criteria; the way the signal is designed is based on State standards.

Bill Chantelau commented that all the traffic studies talk about Lake traffic and nothing for Yingling's. Smith replied that traffic can be projected. The intersection is designed for peak hours. Dick ? said a traffic count done between 4 and 6 PM shows a high percentage of people coming to Yingling's. They come at those same hours. He will give a copy of the figures to Tom.

Wachs said that when Delancey invested, it was with the goal of moving ahead as quickly as possible; it was the understanding that the engineering stuff was already put behind them.

Yingst asked Smith what Sites said. Smith said he (Sites) said three lanes were adequate. If there are to be four lanes, the 10' strip will be eliminated. Smith spoke to Mark Lewis and John Sites; says they verbally accepted it.

Royals commented that the flow in and out was measured on the turn lane only; some of those are people going to 7-11. Smith commented that they also go left as well with only one lane out and noted that additional lanes could affect the amount of through time.

Long asked how difficult it would be to change in the future. Smith said it would not be difficult; it could be designed for future expansion.

Bill Chantelau asked if PennDot would put the "Stop" sign at Yingling's onto Heritage Drive and was answered "No".

Dick asked by what process they find out what PennDot is accepting. Smith said he will submit plans to PennDot. Dick asked how long will PennDot take and was answered that they have a 60-day window. Primavera said it is hoped that Tom (Smith) can clean up the plans by the time John (Sites) gets back from vacation. If John's happy with the plans, then go to Mark (Lewis) and if Mark's happy, then go to PennDot.

Regarding Lake Heritage access during construction, this will not be a problem. It will be a condition in the permit. A note will be put on applying to Heritage Drive.

There was brief discussion regarding recreating the entrance, signage, and no commercialization.

Wachs commented that they are moving along several different avenues and expect to start construction October 1<sup>st</sup>, having all approvals by September 1<sup>st</sup>. It is not their goal to go bankrupt. They want to make a good investment and keep everyone happy in the

meantime. Getting the Lake agreement is a key factor. As part of agreeing to payment, they would like to understand that if there is an agreement in plans and money, what is the time frame needed for approval from the Lake. Royals replied that there would be a Board of Directors meeting, they would ask for input and then draw up a position to the voting membership. They must have 2/3 of the members vote. It would probably take 120 days. Leino said it could take between 90 and 120 days. Chantelau said that this is because they vote by mail; members live all over the world.

Primavera asked what would happen if they don't get 2/3 back. Royals replied that the Board would be powerless; it can only do what the members tell it.

Primavera commented on the possibility of going two tracks; asking for condemnation, hoping in the meantime to get 2/3 back.

Wachs commented that he had a big concern with hearsay coming back to him that the Lake community is delaying because it doesn't want the project, but wants to run Greg Boyle out of town. He added that the road will create benefits to the Association (LHPOA) and that any compensation might be deemed by some to be too much.

Following brief discussion, the LHPOA Board called an executive session with Attorney Yingst. Following this and subsequent other executive sessions by both parties, the workshop was recalled to order at 4:10 PM.

Primavera said that they are going to communicate to the Lake through counsel a preliminary agreement outlined, with the hope of getting back an agreement within 60 days. If there is no agreement in 60 days, they will ask for eminent domain.

The workshop was adjourned at 4:12 PM.

Respectfully submitted,

Bonnie L. Koontz