

November 14, 2007

The East Lampeter Township Board of Supervisors met on Wednesday, November 14, 2007 at 7:00 p.m. in the Township offices located at 2250 Old Philadelphia Pike, Lancaster, PA 17602. The meeting was held as a continuation of the public hearing held on October 30, 2007 regarding the petition to create an Agricultural Security Area (ASA) in East Lampeter Township. The hearing was called to order by Chairman Glenn L. Eberly and was followed by the Pledge of Allegiance. Other Supervisors present were Mr. Buckwalter, Mr. Landis and Mr. Rutt. Also present was Mr. Ralph M. Hutchison, Township Manager. Supervisor Mr. Sollenberger was absent.

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

Mr. Irl & Mrs. Lois Duling, 824 Stumpf Hill Drive
Mr. Fred Daum, 2142 New Holland Pike
Mrs. Lynne Kirsch, 3721 Lowana Avenue, Downingtown, PA
Ms. Carrie Nunan, 2171 New Holland Pike
Mr. Tom Hill, 2066 Pine Drive
Ms. Carrie Hill, 2066 Pine Drive
Mrs. Nellie Ahl, Millcross Road
Ms. Susan Snyder, 435 Mt. Sidney Road
Mr. Ken & Mrs. Bev Denlinger, 231 Strasburg Pike
Mr. Abner Beiler, Jr., 2040 Pine Drive
Mr. Abner A. Beiler, 2040 Pine Drive
Mr. John L. Stoltzfus, 385-A Willow Road
Mr. Joseph S. Esh, 2151 Forry Road
Mr. Don Ranck, 429 Strasburg Road, Paradise, PA

Public Hearing re: Agricultural Security Area Petition

Chairman Eberly explained that the purpose of the meeting was for the continuation of the public hearing on the proposed Agricultural Security Area (ASA) which began on Tuesday, October 30, 2007. He further indicated that the processing of the petition was explained on October 30, 2007 and that the completion of the public hearing is the last step in the process prior to the Board discussing and taking action on the ASA petition. He also indicated that the Board may discuss the petition and take action immediately following the public hearing or at a future public meeting. He further indicated that action must be taken prior to December 24, 2007 due to the 180 day time limit set forth in the law. Finally, he indicated that the public hearing was continued to this date in order to give all interested persons who were unable to attend on October 30, 2007 the opportunity to comment on the petition.

Chairman Eberly then reopened the public hearing and requested that all persons providing comment identify themselves and their home address before they make comment.

Mrs. Lois Duling, 824 Stumpf Hill Drive presented a letter to the Board members from Mr. Tupitza, Esq. because he was unable to attend.

Mr. John Stoltzfus, Willow Road requested that the Board approve of the ASA petition including his 60 acre farm located on Willow Road. Chairman Eberly noted that Mr. Stoltzfus had served on the ASA Advisory Committee during the process of reviewing the petition. He thanked Mr. Stoltzfus for serving in this capacity.

Mr. Abner Beiler, 2040 Pine Drive indicated that he is the owner of the farm on Jarvis Road which is included on the ASA petition. He also indicated that his farm on Jarvis Road has been preserved through the Lancaster Farmland Trust. He then requested that the Board approve the creation of the ASA as requested on the petition in order to help these farmers.

Mrs. Caroline Hill, 2066 Pine Drive, stated that she felt that it is important to support our Amish neighbors and to help them to continue their way of life. She said that she felt that this is important for our heritage and to the well being of the county economy.

Mr. Tom Hill, 2066 Pine Drive, said that he supports the creation of an Agricultural Security Area.

Mrs. Nellie Ahl, 651 Millcross Road said that thought that it was our duty to do anything that we can to preserve land in the County.

Chairman Eberly asked if anyone else wished to speak and upon seeing no one come forward indicated that the public hearing was closed. He then indicated that the Board would now have the chance to discuss the proposal.

Chairman Eberly indicated that the current ASA petition was the third one submitted to the Township. He then indicated that the Board has previously been opposed to the creation of an ASA because they have felt that the Township's Zoning Ordinance has effectively preserved farms in the Township. He also indicated that he felt that the Board has had a record of rejecting attempts to rezone lands within the Rural / Agricultural Zoning District for development. Chairman Eberly then indicated that he felt that everyone has the same goal of retaining agriculture in the Township but that there may be disagreement on how to do so. He then indicated that he has been opposed to ASA and farm preservation in the way that it has been done by the County program due to the cost of that program. He said that according to newspaper reports, the County borrowed \$25 million in 2006 and 2007 which increased the County debt load to about \$240 million and that the County may be considering additional borrowing for this program in the future. In addition he indicated that the County is committed to additional projects involving the Courthouse and the County Prison which will run the County debt to over

\$500 million. He further stated that he expects the interest cost on this level of debt will result in a significant increase in County taxes. Chairman Eberly then indicated that he prefers the Township's approach which is much less expensive, to preserve farming through the zoning ordinance. Additionally, he indicated that if a farmer is interested in preserving their farm that they may do so without an ASA by simply recording a deed restriction. Chairman Eberly went on to say that other than a few farms which are zoned for development in the Township, the farms which are zoned Rural don't really have any development rights to sell. Therefore, he said, he has a difficult time understanding how the County's program, which is based upon buying development rights, can pay farmers for development rights that don't actually exist. Chairman Eberly then said that these are the reasons why he objects to the current system arrangements. He also said that he believes in the system of government which provides for decision making at the local level and that he would prefer to allow those future decision makers, our children and grand children, to have the choices that we have now. In addition, he said that if farming changes as much in the next 50 years as it has in the last 50 years then the community will be facing different issues. He then said that farm owners have the final say as to whether or not they wish to preserve their farm. He indicated that many of them have expressed appreciation for the Township's strong Agricultural zoning and caring for the farmers in the community but that they are concerned that a future Board of Supervisors may change the zoning. He also stated that even if this would happen, the land owners would still have the final say as to whether they sell their farms for development or not. He then indicated that out of respect for the farmers in the community that he believes that this is an issue that must be considered and that since the Township is in the process of drafting a new zoning ordinance that will include an Agricultural Zone, he would like to see how an ASA might fit in with the new ordinance and that if it does he would prefer to see an organized area for the ASA rather than a patchwork of scattered farms. Additionally he said that he would like to work with the neighboring Townships to see how such as ASA might work to create a large contiguous area in this part of the County. He then indicated that in order to take the time that will be needed to look at these items, that he would like to have the consideration of the ASA delayed to that point in time. He said that he doesn't believe that there is any danger in delay of the ASA because no farms have been lost in the time since the previous ASA was rejected.

Mr. Buckwalter said that certain benefits of an ASA have been discussed during the review process and in the public hearing. One of these he said is the protection for farmers from eminent domain actions for public improvements. However, he said that based upon information received from Senator Brubaker's office, the Agricultural Lands Condemnation Approval Board has approved virtually all eminent domain actions presented to them. He felt therefore that this protection represented a rather low hurdle for governing bodies to overcome and therefore provides little if any protection. He then said that the protection offered through an ASA from nuisance ordinances is also not significant because all farms in Pennsylvania have these protections through the Right to Farm Laws and the more recently enacted Agriculture Communities and Rural Environment (ACRE) legislation. Finally, he said that most if not all of the applicants have indicated that they have no intention to apply for the sale of their development rights to the County program. Therefore, he said, he does not see how an ASA would

benefit the Township's citizens. He also said that he is concerned that with limited benefits an ASA would add an unnecessary delay to needed public infrastructure projects in the future.

Mr. Rutt said that he felt that the preservation program was not really preserving farm land but rather was preserving open space because there is no assurance that these properties will continue to be farmed in the future. Additionally, he said that he has been unable to find out from anyone at the state or county level, what the goal of farm land preservation is.

Mr. Landis indicated that this is a very difficult decision for him. He said that he agrees with the comments of the other Board members in particular the concerns expressed for how the ASA and related preservation program is structured for the purchase of development rights. He said that he feels that it could have been done better from the beginning when it was first established. He also stated that he feels that the ASA program will not disappear in the near future and that with respect to the purchase of development rights through the County's program, Township residents are paying taxes to support that program whether it is provided for in East Lampeter or not. Therefore, he said that he feels that the farmers in East Lampeter Township should have the right to access those funds if they choose to do so. For this reason he indicated that he felt that the ASA should be approved.

Chairman Eberly indicated that the Board could act immediately or could wait to vote at a future public meeting before December 24, 2007. Mr. Hutchison indicated that the next regular public meeting is scheduled for December 3, 2007.

Mr. Buckwalter said that for something that is supposedly a popular concept, he would have expected more interest from people to attend the public hearing and to speak to the Board about their viewpoints. He also said that he has talked with other residents outside of the hearing and has been given a completely different opinion from those people than from the ones who have spoken during the hearing. Mr. Buckwalter then indicated that for the reasons which he stated earlier in the meeting, that the ASA provides very little protection from eminent domain actions, that it provides no additional protection from nuisance ordinances, that the farmers have indicated that they do not intend to apply to the County Ag Preserve program for the sale of their development rights and because he is pleased with the Township's Zoning Ordinance protecting farms from being developed, he is opposed to the ASA. In addition he said that he does not want to be viewed as being opposed to preserving farms when he votes against this request. Rather, he said that he views what the Township currently has in place as being sufficient.

Mr. Buckwalter then made a motion to deny this request for an Agricultural Security Area. The motion was seconded by Mr. Rutt and passed by a vote of three in favor and one opposed. (Mr. Landis voted against the motion)

There was a brief discussion among the Board members and some of the audience regarding the ASA request.

Mr. Buckwalter then made a motion to adjourn the meeting. The motion was seconded by Mr. Rutt and passed by unanimous voice vote.

Ralph M. Hutchison
Township Manager