

September 9, 2008

The East Lampeter Township Board of Supervisors met on Tuesday, September 9, 2008 at 5:00 p.m. at the driveway serving 89 Strasburg Pike, Lancaster, PA 17602. The meeting was called to order by Mr. David Buckwalter, Chairman. Supervisors present were: Mr. David Buckwalter, Mr. Michael Landis, Mr. John Shertzer, Mr. Roger Rutt and Mr. Glenn Eberly. Also present was Mr. Ralph Hutchison, Township Manager.

The following persons were also in attendance:

Mr. Robert Neuhauser, 89 Strasburg Pike  
Mrs. Dorothy Killebrew, 89 Strasburg Pike  
Mr. Pete Hegeman, Park Board  
Mr. Jim Gustafson, Park Board  
Mrs. Diane, Tyson, Park Board  
Mr. Jay Witmer, Park Board  
Mr. Richard Stringer, 93 Strasburg Pike

Chairman Buckwalter called the meeting to order at 5:10 pm and indicated that the purpose of the meeting was to address the concerns expressed by Mr. Neuhauser at the Board's meeting held on August 4, 2008 when the Board was considering award of a construction contract for improvements to Flory Park which included the relocation of the driveway which serves Mr. Neuhauser's property. He further indicated that Mr. Neuhauser requested and the Board agreed to hold a meeting on the site to review the concerns and make efforts to resolve the question of whether or not the driveway will be relocated as a part of this project. Chairman Buckwalter asked Mr. Neuhauser to review his concerns.

Mr. Neuhauser reviewed the history of his purchase of the property at 89 Strasburg Pike and of the cooperative efforts which he had made to work with the Township in the development of the park. He indicated that a land swap had been made to provide the Township with land needed for the development of a trail system and that as a part of that swap he agreed to give the Township a right of first refusal for purchase of the property in the future. He also indicated that he had granted the Township an easement for public access to an area below the dam on Mill Creek. Mr. Neuhauser also stated that he is happy that Mr. & Mrs. Flory donated the property surrounding 89 Strasburg Pike to the Township for development of Flory Park.

Mr. Neuhauser then reviewed his concerns with respect to the proposed relocation of the driveway serving his home from its current location to become incorporated with the new driveway being constructed for the park. He said that he disagrees with the Township's concerns for pedestrian conflicts if the current driveway would remain in place. He indicated that he was concerned that his costs for plowing to gain access to his home in the winter will increase due to the proposed change. He expressed concern for his ability to safely travel up the existing slope of the driveway due to the proposed curve designed into the new driveway location. He also expressed concern for the delivery of his mail and newspaper to the new location. He indicated that he was concerned about how trash collection would be handled as the result of the proposed

change. He also indicated that he was concerned about visitors and deliveries being able to find his home due to the proposed change. He noted that visibility at the point where the existing driveway connects to Strasburg Pike is much better since the bridge over Mill Creek was replaced. He indicated that the crossing over the tributary to Mill Creek does not create any flooding problems. He also noted that the property where his home is, is now owned in trust by his children and that they have expressed concern for a potential loss of value for the property due to the proposed change.

Mr. Hutchison indicated that Township staff has made efforts to address each of the concerns raised by Mr. Neuhauser. He said that the Township will plow snow from the point where the new driveway meets Strasburg Pike to the point where the private driveway to 89 Strasburg Pike is proposed to begin. He indicated that this would actually reduce the length of driveway that Mr. Neuhauser would be responsible for but that the Township could not promise that the timing of plowing would always meet Mr. Neuhauser's expectations. He also said that the Township would not object to Mr. Neuhauser's contractor plowing the driveway through the park entrance to the driveway serving Mr. Neuhauser if that was Mr. Neuhauser's preference. Mr. Hutchison then indicated that the Township had contacted the Post Officer regarding the location of Mr. Neuhauser's mailbox and that they agreed to serve the mailbox whether it is located within the park at the end of the parking lot cul de sac, which would be closer to 89 Strasburg Pike, or if it is located along Strasburg Pike. Mr. Hutchison indicated that the Township would meet Mr. Neuhauser's preference on this issue. He also expressed his willingness to make similar contact with the newspaper delivery people and trash hauling contractor. He then said that the Township had indicated to Mr. Neuhauser that signs would be placed at the new driveway location point of connection to Strasburg Pike indicating 89 Strasburg Pike and that signs at the end of the parking lot cul de sac would indicate 89 Strasburg Pike and Private Drive.

Chairman Buckwalter then asked the Park Board members who were present to indicate their thoughts on the subject. Mr. Hegeman said that he had previously met with Mr. Neuhauser to discuss his concerns. He indicated that he prefers the planned design of the park improvements. Although he understood Mr. Neuhauser's concerns, he indicated that he prefers the planned design of the park improvements and believes that the relocation of the driveway is best for the future needs of the park. Mr. Neuhauser reminded everyone that 89 Strasburg Pike will likely be owned by the Township in the future and that this change could be accomplished after he is no longer living at 89 Strasburg Pike.

Mrs. Tyson indicated that she felt that the change to the driveway should be completed as planned so that the Township will not incur additional costs to make the change in the future. Chairman Buckwalter acknowledged that there would be additional costs to mobilize a contractor to remove the existing crossing in the future.

Mr. Stringer asked about what was wrong with the existing driveway and leaving it as is.

Mr. Hegeman suggested that since the park facilities would be providing for trash removal that perhaps the Township could permit Mr. Neuhauser to dispose of his trash along with the park trash and thereby relieve him of the cost of trash removal as well as the uncertainty of where he would have to take his trash.

Mrs. Killebrew requested that the existing driveway remain in place.

There was then a discussion among those present regarding the design of the proposed improvements as well as the possibility of building the proposed improvements and leaving the existing driveway in place. During this discussion it was suggested that perhaps the Township could plow and salt the driveway serving 89 Strasburg Pike since it is located on Township lands. There was also a discussion regarding the effect which the driveway crossing over the tributary to Mill Creek has on storm water conditions.

Mr. Landis suggested that perhaps the driveway could remain in place until the Township purchases 89 Strasburg Pike and that the cost of removing the driveway at that time could be deducted from the purchase price.

Mr. Neuhauser expressed his disappointment that he was not consulted about the park improvements until the design was completed. Several of those present indicated that they believed that the proposal to relocate the driveway serving 89 Strasburg Pike would have been included in the design even with Mr. Neuhauser's input earlier in the process because it is the best design for the improvements.

There was then a discussion among those present regarding the potential reduction of Township costs for the proposed improvements if the Township requested change orders to remove items of work related to the relocation of this driveway. It was noted that the contractor would determine the value of these change orders and that generally the value of these changes is less than what is expected because the contractor will look to benefit by the changes.

Mr. Gustafson expressed his concern for the safety of pedestrians and bicyclists using the park facilities if they are required to cross the driveway.

Mr. Stringer expressed his concern for his ability to access the rear of his property if the existing driveway is removed.

There was then a discussion among those present regarding the history of the access provided for 89 Strasburg Pike. Mr. Neuhauser indicated that he would have purchased land for his own right of way from the former owner if he could have done so. It was noted that the deed to 89 Strasburg Pike indicates that the location of the driveway can be relocated at the owner's expense.

Mr. Eberly indicated that he was inclined to allow the existing driveway to remain and to not build the proposed connection to the existing driveway from the proposed parking lot cul de sac.

Chairman Buckwalter noted that Lafayette Fire Company is unable to serve 89 Strasburg Pike with their aerial truck because they are unable to use the existing driveway crossing. He also stated that they can access the site with their other apparatus.

Mr. Neuhauser indicated that he is still upset about the situation.

Chairman Buckwalter reviewed the various benefits and compromises discussed during the meeting.

Mr. Rutt then made a motion to build the proposed park improvements, including the relocation of the driveway serving 89 Strasburg Pike, as designed and that the Township would provide Mr. Neuhauser with a lockable mail box in the location of his choice, that the Township would provide snow plowing and salting service to the portion of the driveway serving 89 Strasburg Pike which is located on Township property and that the Township would provide the current residents of 89 Strasburg Pike with trash removal services via the dumpster to be located in the park. The motion was seconded by Mr. Landis and passed by a vote of four in favor and one opposed. (Mr. Eberly voted against the motion)

Mr. Shertzer then made a motion to adjourn the meeting. The motion was seconded by Mr. Rutt and passed by unanimous voice vote. The time of adjournment was 6:10 pm.