



**LANCASTER COUNTY CONSERVATION DISTRICT  
MONTHLY BOARD MEETING AGENDA**

Wednesday October 5, 2022

Lancaster Farm & Home Center

Zoom Info: <https://zoom.us/j/91731607863>

Business Meeting 7:30 PM

Timer

Page #

7:40	I. <u>Agency Reports</u>	
	2. PA DEP Field Rep Report (no report this month).....	-
7:55	III. <u>*Additional Business</u>	
	<u>Addition:</u>	
	*6. Potential Foundation Board Members – Snyder (attachment).....	1
	7. 2021 Audit Report.....	3
8:25	IV. <u>Reports &amp; Information</u>	
	1. Correspondence, News and Updates Addition – Thompson (attachment).....	3
	2. E&S/NPDES Monthly Projects Report – Hout/Thompson (attachment).....	4
	<u>Addition:</u>	
	6. Foundation Executive Committee Meeting – Snyder (attachment).....	8
	7. PACD Director Meeting Update – Wasco (verbal).....	-

**\*Action Required**

Item III.6



**Conservation Foundation of  
Lancaster County**

**DIRECTOR CANDIDATE PROFILE**

I. Name: Donald Christopher Murphy Jr. "Chris"	Date Completed/Updated 6/26/2022	
Full address: 2415 Sangrey Lane, Columbia, PA 17512		
Municipality you live in: West Hempfield Township	Home phone: (717)-606-8166	
Work phone: (717)-606-8166		
Occupation (previous if retired): Commercial Credit Analyst		
Email: chris.murphy1117@gmail.com		
II. If previously associated with the county conservation district board:		
Number of years as:	Office(s) held:	
Director		
Associate		
State and National Board:	Number of years:	Office held, delegate:
III. Other groups/organizations affiliation or projects you have been involved in:		
I am currently involved with the Knights of Columbus Council 2294 serving as the Secretary for the council board.		
IV. Education or Specialized Training and/or Certification		
Bachelor's degree in Finance from Penn State University		
V. A brief statement concerning your interest and qualifications in serving:		
As a lifelong resident of Lancaster County, I care deeply about seeing our beautiful land preserved through the work of human hands. I believe that my value lies in helping the foundation see its mission through by leveraging my connections and financial knowledge.		



## Conservation Foundation of Lancaster County

### DIRECTOR CANDIDATE PROFILE

I. Name:	Date Completed/Updated	
Mark A Herman	6/22/22	
Full address:		
935 Spoon Ave, Landisville, PA 17538		
Municipality you live in:	Home phone:	Work phone:
East Hempfield	717-537-7183	
Occupation (previous if retired):	Email:	
VP / Principal Consultant at IHS Technologies (Business / Technology Consulting Firm)	mherman4@gmail.com	
II. If previously associated with the county conservation district board:		
Number of years as:	Office(s) held:	
Director		
Associate		
State and National Board:		
Number of years:	Office held, delegate:	
III. Other groups/organizations affiliation or projects you have been involved in:		
Hempfield United Methodist Church Youth Leader, Hempfield Youth Athletics Coach & Coordinator, We're All God's Children Ministries (Board Member / Mission leader), Marietta Fireworks Committee		
IV. Education or Specialized Training and/or Certification		
BS Mechanical Engineering (PSU); CIO Leadership Program (BU); Project Management & Financial Management Certificates (PSU)		
V. A brief statement concerning your interest and qualifications in serving:		
I grew up in Marietta playing along the Susquehanna River shoreline and have fond memories of spending the majority of my time outdoors either helping with my relative's farm or hiking, fishing and hunting in various Lancaster locations.		
As I grew older, I learned that my ancestors arrived here in the early 1700's, with my paternal grandmother's ancestor (Martin Meylin Kendig) arriving alongside Hans Herr in the first group of 10 families.		
He then spent several years bringing new families to Lancaster at the request of William Penn.		
This combination of experiences and family history have made me excited about the opportunity to increase awareness of the relationship between the residents of Lancaster County and the land they live on.		
My family, work and community involvement have helped me build many strong relationships which may prove useful to help promote, support, and maintain the Foundation's mission.		

**Item III.7**  
**Release of the 2021 Audit Report**

Smith Elliott Kearns & Company has completed the District's 2021 annual audit. This is the fifth year that they have conducted our audit. Earlier this year, the Board decided that there was no need to put next year's audit out for bid (historically the audit has been put out for bids every five years).

For 2021 there was additional requests for paperwork and cross checking due to the need to complete a program audit. The last time we needed to complete a program audit (Federal expenditures over \$750,000) was in 2014. There were no significant findings for the 2021 audit. The following reports will be available in paper format at the board meeting:

- The LCCD Internal SAS letter that informs the Board of any audit findings
- The LCCD Management letter that contains finance related graphs
- The LCCD Financial Statements report that is provided to other entities who request a copy of our audit. The additional Program or Single Audit work is part of this report package starting at page 21. The program audit contains headings such as Schedule of Expenditures of Federal Awards, Compliance for each Major Program, and it puts added emphasis on compliance with agreement details and internal controls.

Board members are encouraged to review the audit report, and contact Chris or Stacey with any questions.

**Informational Item with possible motion to accept the audit**

**Item IV.1**  
**Correspondence, News & Updates Addition**

The following correspondence, news or update items will be presented at the Board meeting:

- Email Mail – Chester County Conservation District – 75<sup>th</sup> Anniversary Event – September 30, 2022

Item IV.2

# E&S Report

## 2022 Report for September

### 2022 Report

		Sep 2022	Total
Total Plan Submissions		26	245
Total Plan Acres		477.651	4632.514
Total Disturbed Acres		79.96	1039.773
Fees Collected	NPDES Permit Fees Collected	\$5,500	\$80,020
	Chapter 105 Permit Fees Collected	\$0	\$100
	D&P Fees Collected	\$9,100	\$104,100
	E&S Plan Review Fees	\$66,900	\$581,300

### Total Complaints for September 2022

Date Received	Municipality	Land Unit Acres
9/1/2022	WEST COCALICO TWP	0.27
9/6/2022	WEST HEMPFIELD TWP	16.18
9/8/2022	MANHEIM TWP	28.13
9/9/2022	EAST DRUMORE TWP	10.18
9/12/2022	FULTON TWP	1.21
9/12/2022	FULTON TWP	0.53
9/19/2022	MANHEIM TWP	66.60

## 2021 Report for September

### 2021 Report

		Sep 2021	Total
Total Plan Submissions		25	254
Total Plan Acres		412.547	3732.623
Total Disturbed Acres		131.08	940.6924
Fees Collected	NPDES Permit Fees Collected	\$8,500	\$84,000
	Chapter 105 Permit Fees Collected	\$600	\$14,850
	D&P Fees Collected	\$7,100	\$83,100
	E&S Plan Review Fees	\$37,420	\$451,660

### Total Complaints for September 2021

Date Received	Municipality	Land Unit Acres
9/1/2021	MANHEIM TWP	0.28
9/1/2021	CONESTOGA TWP	11.28
9/8/2021	EAST HEMPFIELD TWP	0.87
9/8/2021	BRECKNOCK TWP	0.37
9/8/2021	RAPHO TWP	0.23
9/8/2021	RAPHO TWP	0.83
9/8/2021	CONOY TWP	0.55
9/10/2021	RAPHO TWP	1.41
9/13/2021	STRASBURG TWP	0.79
9/13/2021	MOUNT JOY TWP	0.77
9/13/2021	STRASBURG TWP	0.78
9/13/2021	MT JOY BORO	0.98
9/15/2021	SALISBURY TWP	5.21
9/16/2021	MOUNT JOY TWP	0.44
9/17/2021	MOUNT JOY TWP	2.50
9/20/2021	WARWICK TWP	0.37
9/20/2021	MANHEIM TWP	0.39
9/23/2021	STRASBURG TWP	0.79
9/23/2021	STRASBURG TWP	0.80
9/24/2021	MANHEIM TWP	53.19
9/27/2021	SALISBURY TWP	2.51
9/28/2021	STRASBURG TWP	0.79

**Erosion and Sedimentation Plan Submission**

**9/1/2022 to 9/30/2022**

<b><u>Project Name</u></b>	<b><u>Municipality</u></b>	<b><u>Disturbed Acres</u></b>	<b><u>Fees Amount</u></b>
Higgins SWM	RAPHO TWP	0.49	\$500.00
Shalom Mennonite School	EAST EARL TWP	0.88	\$800.00
Weaverland Auction	EAST EARL TWP	9.20	\$2,800.00
1290 Reading Road Stockpile	BRECKNOCK TWP	0.44	\$800.00
Christ Beiler	LEACOCK TWP	1.89	\$1,400.00
S03 S. Akron - S. Manheim 3 Pole Replacement	PENN TWP	11.20	\$3,200.00
Smoker Ag Crossing E&S Only	SALISBURY TWP	0.20	\$100.00
PVC Cultural Center	PENN TWP	21.03	\$1,200.00
Boot Jack Road E&S Only	CAERNARVON TWP	0.90	\$100.00
Ben King House and Barn	UPPER LEACOCK TWP	0.65	\$500.00
690 Greenville Road E&S Only	WEST COCALICO TWP	0.03	\$100.00
735 Wollups Hill Road SWM	WEST COCALICO TWP	0.96	\$500.00
E-Z Milking Building	LEACOCK TWP	0.95	\$800.00
John Esh Subdivision	LEACOCK TWP	0.74	\$500.00
Zimmco Enterprises	CLAY TWP	0.93	\$800.00
Penn Station Townhomes	PENN TWP	12.00	\$7,050.00
Hackman Living Trust	CLAY TWP	0.63	\$500.00
Penn Grant Commons West Major Mod	PEQUEA TWP	26.08	\$500.00
WCTA - Wastewater Treatment Plant Minor Mod	WEST COCALICO TWP	8.31	\$800.00
Monyer Stream E&S Only	WEST COCALICO TWP	0.90	\$100.00
Parkside	WEST LAMPETER TWP	20.85	\$8,350.00
Levi Stoltzfoos Proposed Bldgs	UPPER LEACOCK TWP	0.84	\$800.00
Garner Subdivision	WEST DONEGAL TWP	11.00	\$2,300.00
Daniel Beiler	LITTLE BRITAIN TWP	0.98	\$500.00
Zook Esh Yoder Phase 3, Lot 5 Major Mod	EAST LAMPETER TWP	14.21	\$3,800.00
Lots 8 & 10 North Field Partners LGH Minor Mod	STRASBURG BORO	3.48	\$800.00
Alvin Lapp Family Farm	SALISBURY TWP	0.65	\$500.00
227 Wood Corner Road	CLAY TWP	0.85	\$800.00
1376 Campus Road	MOUNT JOY TWP	128.17	\$21,000.00
Amos Lantz E&S Only	SALISBURY TWP	0.50	\$100.00
801 Walnut Hill Road	MANOR TWP	0.80	\$500.00
Ricky Tindall	FULTON TWP	0.50	\$800.00
Abner Esh	PARADISE TWP	0.31	\$800.00
Ringler Poultry Barn	BRECKNOCK TWP	0.72	\$800.00
Stephen King Dwelling & Dairy	COLERAIN TWP	4.62	\$2,000.00

**Outstanding NPDES Projects Report - March 9, 2021 through June 30, 2022**

Date Received	Project Name	Permit #	Municipality	Technician Status	Date of Last Letter
3/9/2021	MM Weaver	PAC360627	WEST EARL TWP	Eng reply rec'd, pending follow-up Technical Review	1/27/2022
5/21/2021	Raffensperger Tract	PAD360078	MOUNT JOY TWP	Deemed Inadequate	at DEP 6/22
5/24/2021	MIN Group LLC	PAC360649	UPPER LEACOCK TWP	Deemed Inadequate	2/28/2022
6/11/2021	Special Children Comm Care Center	PAC360659	LEACOCK TWP	Deemed Inadequate	9/12/2022
8/18/2021	Muddy Run Pumped Storage Facility	PAD360077	DRUMORE TWP	Pending action from DEP	at DEP 11/21
8/11/2021	4070 Old Philadelphia Pike	PAC360682	LEACOCK TWP	Deemed Inadequate	at DEP 5/22
9/3/2021	Zook Esh Yoder Phase 3 Major Mod	PAC360322 A-3	EAST LAMPETER TWP	Eng reply rec'd, pending follow-up Technical Review	8/25/2022
12/3/2021	Spring Meadow Dairy Farm SWM	PAD360083	FULTON TWP	Pending action from DEP	At DEP 3/22
12/20/2021	Henry King	PAC360718	PEQUEA TWP	Eng reply rec'd, pending follow-up Technical Review	9/9/2022
1/5/2022	Featherton Crossing Phase 5 - Townhouse Development	PAD360013 A-2	MOUNT JOY TWP	Deemed Inadequate	at DEP 4/22
1/6/2022	Convenience Store Fueling Station Park & Ride	PAD360084	RAPHO TWP	Deemed Inadequate	at DEP 3/22
1/18/2022	Zook Residence	PAD360085	SADSBURY TWP	Eng reply rec'd, pending follow-up Technical Review	9/13/2022
1/28/2022	Oakridge Drive Extension	PAD360086	EAST DRUMORE TWP	Pending action from DEP	at DEP 9/22
1/31/2022	Jacob Stoltzfus	PAD360087	SALISBURY TWP	Eng reply rec'd, pending follow-up Technical Review	9/21/2022
2/16/2022	Amos Fisher	PAD360088	DRUMORE TWP	Deemed Inadequate	at DEP 9/22
2/24/2022	1376 Campus Road	PAC360735	MOUNT JOY TWP	Deemed Inadequate	9/1/2022
3/1/2022	Shady Maple RV Expand	PAC360738	EAST EARL TWP	Eng reply rec'd, pending follow-up Technical Review	9/8/2022
3/7/2022	CVSD HOP/ROW	PAC360743	EAST LAMPETER TWP	Deemed Inadequate	at DEP 7/22
3/17/2022	Bender Mill Road Subdivision	PAC360746	MANOR TWP	Deemed Complete	9/13/2022
3/18/2022	Exelon - Muddy Run Warehouse	PAD360090	DRUMORE TWP	Deemed Inadequate	at DEP 9/22
3/23/2022	Elam Riehl	PAC360748	SALISBURY TWP	Eng reply rec'd, pending follow-up Technical Review	8/23/2022
3/24/2022	825 Peters Road	PAC360750	EARL TWP	Eng reply rec'd, pending follow-up Technical Review	8/16/2022
4/4/2022	Matthew Wiker Poultry Barn	PAD360091	PROVIDENCE TWP	Eng reply rec'd, pending follow-up Technical Review	8/8/2022
4/7/2022	E-Town New Public Works Garage Maj Mod	PAC360624 A-1	ELIZABETHTOWN BORO	Deemed Inadequate	at DEP 5/22
4/11/2022	Watson Run - Lot 186 Major Mod	PAC360081 A-2	LEACOCK TWP	Eng reply rec'd, pending follow-up Technical Review	7/21/2022
4/14/2022	John Blank	PAD360092	SALISBURY TWP	Deemed Complete	8/29/2022
4/14/2022	Lancaster County Motors SWM	PAC360752	EAST HEMPFIELD TWP	Eng reply rec'd, pending follow-up Technical Review	7/18/2022
4/20/2022	Jason Martin	PAC360755	EARL TWP	Deemed Complete	8/9/2022
4/20/2022	Marlin Martin	PAC360756	CLAY TWP	Deemed Complete	8/25/2022
5/3/2022	Murphy Subdivision	PAC360759	WEST HEMPFIELD TWP	Deemed Inadequate	8/16/2022
5/3/2022	Blackhorse Warehouse	PAC360760	EAST COCALICO TWP	Deemed Complete	at DEP 9/22

<u>Date Received</u>	<u>Project Name</u>	<u>Permit #</u>	<u>Municipality</u>	<u>Technician Status</u>	<u>Date of Last Letter</u>
5/10/2022	Homestead Village	PAC360761	EAST HEMPFIELD TWP	Deemed Complete	9/21/2022
5/13/2022	Lake in Wood RV Expansion	PAD360093	BRECKNOCK TWP	Deemed Complete	8/2/2022
5/16/2022	J&E Grill Manufacturing	PAC360763	EARL TWP	Eng reply rec'd, pending Completeness Review	9/12/2022
5/16/2022	Villages at Funks Farm	PAC360764	MANOR TWP	Deemed Complete	8/29/2022
5/20/2022	250 College Avenue	PAD360094	LANCASTER CITY	Deemed Inadequate	at DEP 8/22
5/26/2022	2821 Old Tree Drive	PAC360765	EAST HEMPFIELD TWP	Deemed Complete	9/6/2022
6/1/2022	Belmont Property Management	PAC360766	EAST HEMPFIELD TWP	Deemed Complete	9/21/2022
6/3/2022	Moove In Storage 741 Phase 3	PAC360767	MANHEIM TWP	Deemed Incomplete	8/24/2022
6/10/2022	Christian King	PAC360768	STRASBURG TWP	Eng reply rec'd, pending Completeness Review	9/6/2022
6/14/2022	PVC Cultural Center	PAC360769	PENN TWP	Eng reply rec'd, pending Completeness Review	9/23/2022
6/16/2022	130 River Corner Road	PAC360770	CONESTOGA TWP	Deemed Complete	9/27/2022
6/20/2022	1000 Strickler Road Building Expand	PAC360772	RAPHO TWP	Deemed Inadequate	at DEP 8/22
6/27/2022	Daniel Zook Ag Bldgs	PAC360773	LEACOCK TWP	Eng reply rec'd, pending Completeness Review	8/26/2022

**KEY:**

**Waiting 1st Review** = project received and awaiting technician to perform first review

**Deemed Incomplete** = an incompleteness letter was sent but no response from engineer has been rec'd to date

**Eng reply rec'd, pending Completeness Review** = An Incompleteness letter was sent and we rec'd comments back from engineer - currently waiting a Completeness review by the technician of engineers response

**Deemed Complete** = a letter was sent stating the submission was complete and project is waiting for technical review by LCCD to be done

**Deemed Inadequate** = a letter was sent detailing technical issues and we are waiting for a reply from Engineer to technical comments  
**Eng reply rec'd, pending follow-up Technical Review** = A technical inadequate letter was sent and we rec'd comments back from engineer - currently waiting a technicians review of engineers response

**Pending action from DEP** = Tech sent a "Recommendation for permit action" to DEP and we are waiting for DEP to issue permit

**TOTAL E&S and NPDES PLANS IN REVIEW:**

132 Plans



**Item IV.6**  
**Points to Address after Foundation Exec Comm Meeting of 9.19.22**

To preface these comments, the Foundation Executive Committee is pleased with the accelerated collaboration the Partners have accomplished. The three documents you requested us to review describe interrelationships of the District, Foundation & Partners, similarly to how they are currently operating only now formalized in more developed writings. It ensures each entity is legally covered. Operational functions are defined allowing a more streamlined path. Thank you for this forward thinking.

The guiding Principle of "No Duplication" is being followed, allowing the District & Foundation to Accelerate the Partners, being closely guided by our common Missions.

We were not aware that an LLC could be formed under the Foundation and be separate in operation in PA but yet operate under the 501c3 of the Foundation per the IRS at the Federal level. This avoids duplication of Organizations in the county.

In our 9.19.22 meeting and with discussions post- 9.19.22, the following points or comments were raised:

1. Not to be addressed necessarily in a legal document, but can you confirm that the essential structure of the proposed arrangement would be that the Clean Water Partners would be Lancaster Co Conservation District employees, leased to the Conservation Foundation, and then subleased back to the Clean Water Partners?
2. How would governance disputes or disagreements be settled and by whom? Who adjudicates these matters if the two governing boards or leadership teams find themselves in contentious situations?
3. Foundation Bylaws currently allow for formation of committees under the Foundation, and those committees still do the work of and represent the Foundation Board. Bylaws currently don't reference or enable the formation of a subsidiary LLC. Bylaws may need to be modified by the Foundation to encompass the structure with the Partners or other entities in the future who follow this concept. We are waiting for a response from our solicitor.
4. A joint meeting/work session will be scheduled with representatives from LCCD, CFLC and CWP when the updated draft is ready.
5. If tensions arise among the entities involved, such as grant competition, how will that be resolved that benefits all parties?
6. Under the draft "Services Agreement", #3 Fees; should include that the fees will be agreed upon by Partners and LCCD employees or LCCD Program Managers with real numbers and realistic hours that can be provided to Partners to assist their efforts.

Services Agreement,

7. #5 Employee Leasing:
  - a. 5.b.—It states that Partners may identify certain individuals from who they wish to receive services, and will prescribe the terms and conditions. Please clarify if this refers to full-time employees or contracted, short term positions, or both. Where it refers to CWP employees a statement should be added that the action would be completed in consultation with LCCD as it impacts space and equipment needs and without competition for funding for positions.
  - b. 5. (b); Since the Partner's staff are technically employees of the Lancaster County Conservation District and our benefit package is in some cases dependent on staff following policy, a statement should be included that although the Partner's have sole responsibility and authority in establishing compensation levels and conducting performance reviews for their positions: the CWP staff are subject to following the policies and procedures as established in the Districts Employee Manual.
8. Section 8, Termination—regarding termination, in this section it says terminated at any time, but in LLC Agreement, Article 12 lists 120 days; should the Service Agreement be consistent?
9. Confidentiality; Due to certain parties of this Agreement being governmental entities, this document could be requested under Right to Know.
10. Exhibit A: District Services
  - a. Use of Equipment
    - i. It is stated that CWP will have use of shared equipment...the statement "as available" should be included.
    - ii. PracticeKeeper (PK) – Although PK is not considered equipment a statement should be included to address the proprietary use of it. There are limited licenses for it, and LCCD core programs will be given priority. Partners should be granted 3<sup>rd</sup> party access, but not full access.
  - b. Office space – Rent calculated and communicated by Oct 1..... We assume this statement is included so CWP can budget and plan for the following calendar year. However, Rental agreements between The Farm and Home Foundation and the Conservation District run from Aug 1 to July 31<sup>st</sup> annually. Therefore, we suggest the "rent" statement read in a way so that it aligns with the LCCD dates to avoid under or over charging for the months of August and September. (Suggest July 15...annually) If there is another reason 10/1 if preferred please clarify.
11. In the LLC Agreement draft:
  - a. Article 2.C it states that the Foundation is the sole member of the LLC. We want to be sure this isn't limiting the Foundation's ability to form another LLC for other purposes in the future.
  - b. Article 3.C—Suggestion to put a period after "ARTICLE 3" in the first sentence, and capitalize "If, in the sole judgement..."

- c. Article 3 — Somewhere within this section or an equivalent section, we'd suggest including that the purpose of the CWP organization aligns or is within the parameters of the Mission of the Conservation Foundation
  - d. Interested in including Foundation and/or LCCD Board of Director or designee as an affiliate member of the CWP Board of Trustees.
  - e. For clarification, in Article 6, the Board of Managers is described, but is currently known as the Executive Committee, correct? Are the current organizational structures or titles being changed align with the terminology in this draft, or will the document ultimately reflect and be consistent with the current titles and organizational structure?
  - f. There is interest in having an LCCD representative on the Board of Managers/Executive Committee
  - g. Article 10.A—we want to be sure it is written as intended—is the Board of Managers contracting with the Lancaster Co Conservation District not the Foundation?
  - h. Article 10.B—curious as to what is the “Associational vision”? Is this the Common Agenda or something different?
  - i. Article 11.B.—Need to address liability insurance. The Partners management and staff are currently covered under our liability and Officers Errors and Admissions insurance, but under the LLC they should carry additional liability insurance and should list the Conservation District and the Foundation as “also insured”.
12. The Conservation Foundation of Lancaster County was established by the Lancaster County Conservation District Board of Directors to promote, support, and sustain the stewardship, education, and conservation activities undertaken by the Lancaster County Conservation District...and to enlist and coordinate help from public and private resources. The Conservation Foundation is a subsidiary of the Lancaster County Conservation District Board of Directors, and subject to the decisions of the LCCD Board of Directors. We want to be sure the Partners is comfortable with this as we move forward.