

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of April 4, 2017

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, April 4, 2017. Chairman David Dumeyer and Board members Frank Burkhart, Edward Fisher, Kent Gardner and Naomi Martin were present. Also in attendance were: Township Manager Andrew Stern; Chief of Police Mark Pugliese I; Public Works Director Dale Getz; Zoning Officer Jodi Heffner and Judith Carrier serving as Recording Secretary. Brenda Baumbach, Finance/Personnel Director was not present for the meeting.

I. CALL TO ORDER:

Chairman David Dumeyer called the meeting to order at 7:30 p.m. and led with the Pledge of Allegiance.

II. PUBLIC HEARING: Summit Living Zoning Text Change for Traditional Village.

Chairman Dumeyer opened the Public Hearing at 7:35 p.m. and reviewed the nature and purpose of the Hearing and the rights of the Board of Supervisors as pertaining to Public Hearings. The purpose of the hearing was to provide the public with the opportunity review and discuss the Summit Living Traditional Village Zoning Text Amendment Request and Zoning Text Amendment to revise regulations governing the traditional village district and off street parking. Andrew Stern attested that the zoning amendment was properly advertised by Solicitor Josele Cleary, Morgan, Hallgren, Crosswell & Kane, P.C., in accordance with Municipality Planning Code. There were no questions or comments about the Public Hearing procedural process.

Sandy Kime, ELA Group, representing the applicant, presented the case for proposed Ordinance No. 2-17 to amend the West Hempfield Township Zoning Ordinance of 1988, as amended, Article 400, Commercial Districts, Section 403, TV—Traditional Village District, Subsection 403.2, Uses and Structures, Paragraph C, Conditional Uses and reviewed the zoning amendment draft and revisions made thereto. He stated two components were the biggest issue: Page 1, (Conditional Uses) and Page 2, Section 2-B, (Planned Village Development). Andrew Stern noted the Township's addition of Sign Regulations on Page 9, Section 6, Items A and B. The following comments and questions were addressed:

- Page 2, Item A: Frank Burkhart noted Andrew Stern had previously clarified questions regarding the approach to minimum setbacks and Kent Gardner agreed.
- Signage: Kent Gardner questioned security lighting. Andrew Stern stated this is covered elsewhere; however, at some point in time the Board may want to address LED lighting.
- Page 5, Item 3-a: Frank Burkhart questioned if the verbiage was correct. Edward Fisher remarked that this type of verbiage is very typical for our type of organization and Mr. Kime confirmed that it is correct.

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Steve Artz of Summit Living thanked the Township and commended Township Manager Andrew Stern for the help received in navigating this process and doing everything possible to ensure the project is successful.

There being no further comments or questions (Board or Public), the public hearing was closed at 7:55 p.m. by motion of Kent Gardner, second by Edward Fisher and unanimously passed (5-0).

The regularly scheduled West Hempfield Township Board of Supervisors meeting re-opened at 7:55 p.m. and the following action was taken to adopt the Summit Living Zoning Text Change for Traditional Village:

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *adopt* Ordinance 2-17, text changes to the Traditional Village zoning district. The motion passed (5-0).

III. APPROVAL OF MINUTES:

A. March 7, 2017 Regular Meeting

- **Motion:** Edward Fisher moved, seconded by Kent Gardner, to *approve* the Board's March 7, 2017 regular meeting minutes as presented. Motion unanimously carried, (5-0).

IV. COMMUNICATIONS

A. BOARD OF SUPERVISORS

1. Chairman Dumeyer acknowledged the Secretary for doing a good job on the minutes.
2. Frank Burkhart mentioned the problem of loaders removing sod along the edge of the road; however, he acknowledged that it is not always easy to move along the side of the road without having that happen.

B. TOWNSHIP MANAGER – Andrew Stern addressed items of immediate interest in the following Manager's Report for March 2017:

INTERNAL MATTERS

1. **PSATS:** The annual conference is April 24 and April 25. You are all registered. Please let me know if you plan to join Rettew for lunch on Tuesday, April 25.
2. **Comprehensive Plan:** As mentioned at the joint PC/Board meeting, I have created an online Wiki to keep Comp Plan documents. If you have not yet registered for our wiki, please do so in order to have access to this information. Let me know if you need assistance.

We will be having a Joint PC/Board meeting on April 20, 2017, immediately following the PC meeting, to discuss Land Use. We will have Lisa Riggs (Lancaster EDC) and Jeff Swinehart (Lancaster Farmland Trust) at the meeting.

3. **Mountville Fire Company:** Enclosed in your packet is a copy of the PA Auditor General's audit of the Mountville Firemen's Relief Association. There are three findings which they need to resolve or their future allocations could be in jeopardy. I have asked the Fire Company to provide a response to us.
4. **LASA:** Since our last meeting, we have asked that LASA revise their legal agreements to reflect LASA taking charge of the Raintree project. I expect new agreements for the Board to consider at an upcoming meeting.
5. **New Building:** Numerous items are on this agenda for action. I am working with Buchart Horn to schedule a groundbreaking ceremony sometime at or before our May 2 Board meeting. *The Groundbreaking Ceremony has been scheduled for 6:00 p.m., April 20. Official invites will be out within the next few days.*
6. **Pipeline:** Our Solicitor continues her attempts to resolve an easement through our park. I have tentatively and conditionally agreed to \$75,000 for the easement. They had offered us \$48,000. The condition is that they amend their agreement to resolve all of our Solicitor's concerns.

The easement and road use agreement are on the agenda, but I do not yet have everything I need, thus I may ask that these two items be tabled if everything is not received by Tuesday.

7. **Kames Hill Culvert:** Bids are due April 10, 2017. I plan to have the award of this contract on your April 20 joint PC/Board agenda for action.
8. **Eby Chiques Road:** This project is on hold pending further investigation of the existing conditions.
9. **MS4:** Rettew has completed our preliminary pollutant loading numbers. We are reviewing them and moving forward with the planning process. At this time, preliminary numbers suggest about 100,000 pounds of sediment reduction will be required from 2018-2023 total for our five watersheds. This number will go down as Rettew continues to take eligible reductions for existing BMP's. As an example of how we could address 100,000 of sediment reduction, we could restore about 1,100 feet of stream bank with an approximate cost of \$187,500. This would be over a five year period, so this is not nearly as high as our previous estimates were prior to Rettew working the numbers. I hope to have better numbers at the Board meeting. *Mr. Stern noted several number changes on his previous report: The \$187,500 approximate cost did not include one of the Township's watersheds; therefore that cost would be approximately \$404,000. Sediment Reduction should be increased to 120,000 pounds.*

In addition to Rettew's efforts, area Managers, including myself, have been meeting with DEP staff, including Alex Chiaruttini, Chief Counsel for DEP, to obtain some flexibility with DEP policies related to MS4. Our next meeting will be April 21 and will include Kelly Heffner, Deputy Secretary for DEP. State Rep Mindy Fee has been instrumental in arranging these meetings.

EXTERNAL MATTERS

1. Nothing new to report.

PERSONNEL

1. I have shifted our part-time office employee Mary's schedule around so she is here four days a week. This is intended to help our other staff focus more on their own specific responsibilities.

OUTSIDE BOARDS AND COMMITTEES

1. On March 29, 2017, Naomi Martin and I attended the quarterly Northwest Lancaster County River Trail (NWCRT) meeting. A few items for future discussion include: parking along 441, use of electric-assist bicycles, nighttime use of the trail, and the possible extension of the trail towards Elizabethtown.

CORRESPONDENCE

1. **Chiques Creek Watershed Alliance:** We received a thank-you letter for our \$200 contribution.
2. **Springettsbury Township:** We received a downstream notification of the storage of hazardous materials at Springettsbury's wastewater treatment facility.
3. **Mountville Borough:** We received a request from Mountville Borough for the use of our fire police on Saturday, May 27, 2017, from 9am-12noon for their Memorial Day Parade. This is an annual request.
4. **CNH Industrial:** We received notification of an intent to remediate the CNH Industrial site at 200 Commerce Drive in Mountville Borough (partially in West Hempfield).
5. **J&J Material Handling:** We received notification of intent to remediate the J&J Material Handling property at 1820 Franklin Street.
6. **The Wenger Group:** We received downstream notification of hazardous materials storage at 111 West Harrisburg Avenue in Mount Joy Township.
7. **West Hempfield Township:** We received notification from DMA that West Hempfield Township intends to connect to the existing sanitary sewer system for our new municipal building. (In case you weren't aware already!)

8. **PSATS:** We received a copy of the 2017 Proposed Resolutions, bylaws changes, and nominations report.

C. TREASURER'S REPORT

1. February 2017 Financials.

Mr. Stern credited and thanked Brenda Baumbach for preparing the report and noted the Board will be receiving this information every month.

- **Motion:** Moved by Kent Gardner and seconded by Frank Burkhart to *accept* the Treasurer's report for February 2017. The motion passed (5-0).

2. Acknowledge receipt of 2016 Audit and two letters.

Mr. Stern reported the receipt of the 2016 audit and two letters explaining verbiage and significant findings. He noted that, over-all, the Township is in good shape. The audit has been posted to the web site.

- **Motion:** Moved by Kent Gardner and seconded by Frank Burkhart to *acknowledge* receipt of the 2016 audit from Bertz, Hess & Company, LLC. The motion passed (5-0).

D. DEPARTMENT REPORTS

Written monthly reports were received by the Police, Fire, Public Works and Zoning/Land Use Departments.

1. POLICE

Prior to beginning his report, Chief of Police Mark G. Pugliese thanked the Board, Manager and all Township employees for their thoughtfulness and support on the passing of his mother. The March 2017 monthly report for West Hempfield Township was provided in the Board packets and the Chief briefly reviewed items of particular interest.

2. PUBLIC WORKS

Dale Getz provided and reviewed the March 2017 Monthly West Hempfield Township Public Works Department Report which highlighted a weekly summary of events for each week during the month.

3. ZONING/LAND USE

Zoning/Code Enforcement Officer Jodi Heffner provided and reviewed the March 2017 Zoning Officer Report. Mr. Stern noted the inclusion of photographs of various problem properties referenced in the report and thanked Jodi for this helpful visual

documentation of complaints and violations received and addressed. Jodi will continue to document each monthly report with photographs when warranted.

4. FIRE

a) West Hempfield Fire & Rescue

- The Fire Chief's February 2017 and March 2017 reports were received and reviewed.

b) Mountville Fire Co No. 1

- The Chief's Report for March 2017 was received and reviewed.
- The Mountville Fire company No. 1 Firemen's Relief Association Compliance Audit for the period January 1, 2013 to December 31, 2015 was received from the Commonwealth of Pennsylvania Department of the Auditor General. This audit is conducted every three years and a copy was provided to each Board member. The three findings listed in the audit were the result of a breakdown in company communication and were not resolved in a timely manner. This is now being resolved.

E. RESIDENTS – None

V. ORDINANCES AND RESOLUTIONS

A. ORDINANCE 2-17: SUMMIT LIVING ZONING TEXT CHANGE.

- Action to adopt this ordinance was occurred immediately following the public hearing earlier in this meeting.

B. RESOLUTION 10-17: CONDEMNATION OF WHFR PROPERTY AT 3476 MARIETTA AVE.

Andrew Stern reviewed the resolution and staff recommendation to adopt. There being no further questions or discussion, the following action was taken:

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *adopt* Resolution 10-17, authorizing the condemnation of, or deed in lieu of condemnation, for property at 3476 Marietta Avenue. The motion passed (5-0).

C. RESOLUTION 9-17: AUTHORIZE ADDITIONAL BUDGET APPROPRIATION.

Andrew Stern explained the background surrounding the need for supplemental appropriations from funds on hand and transfer of unencumbered funds from one Township account to another and the reason for initiating this action as being total costs for construction of a new municipal building and fire station were unknown and,

therefore, not included in the original township budget for the 2017 fiscal year. There being no further comments or discussion, the following action was taken:

- **Motion:** Moved by Kent Gardner and seconded by Edward Fisher to *adopt* Resolution 9-17, authorizing an additional budget appropriation of five (5) million dollars for the construction of a new municipal building, said funds having already been included in the revenue section of our 2017 municipal budget. The motion passed (5-0).

D. ORDINANCE 1-17: DEBT ORDINANCE, FULTON BANK.

The Board of Supervisors of West Hempfield Township is considering a proposal received from Fulton Bank, N.A. for the purchase, at private sale, of a general obligation note of the Township, in an authorized aggregate principal amount not expected to exceed \$7,630,000. Copies of all pertinent documents were previously provided to the Board.

Daryl Peck, Senior Financial Advisor, Concord Public Finance, gave a brief background of his Company, the RFP procedure followed and discussed the proposal and attachments thereto. He complimented the Township on their credit-worthiness. Andrew Stern thanked Mr. Peck for going above and beyond in making this work. Edward Fisher appreciated the opportunity to meet with Mr. Peck to get a better understanding of the proposal.

William C. McCarty, Esq., Bond Counsel, Barley Snyder LLP then introduced himself and remarked that one year ago his firm was selected to review the initial draft of the debt ordinance. He has since met with Mr. Stern to gain an understanding of the project and was very comfortable with that. The initial draft was reviewed and revised by Attorney McCarty and Township Solicitor, Josele Cleary, Morgan, Hallgren, Crosswell & Kane, P.C. They did not change the substance; however, one note was changed for the purpose of clarification. The ordinance is specifically and deliberately set up for Fulton Bank and none other and contains all provisions needed to obtain approval. Mr. Stern noted that settlement is scheduled for May 4, 2017 and questioned if it would be acceptable to proceed with contacting contractors prior to that date. Attorney McCarty affirmed that it would be. Mr. Stern then thanked Attorney McCarty for making this process as simple as it could possibly be.

Chairman Dumeyer commented that this is the first time the Township has ever gone into debt. At the close of discussion, the following action was taken:

- **Motion:** Moved by Kent Gardner and seconded by Frank Burkhart to *adopt* Ordinance 1-17, authorizing the incurrence of the non-electoral indebtedness by West Hempfield Township by the issuance of a general obligation note in the aggregate principal amount of \$7,630,000.00 with Fulton Bank. The motion passed unanimously (5-0).

E. RESOLUTION 8-17: SIGNATURES FOR FULTON BANK NEW ACCOUNT.

Andrew Stern presented and explained Fulton Bank's Certified Copy of Corporate Resolution form and explained procedures and signatories required for opening a new account. The following action was then taken:

- **Motion:** Moved by Kent Gardner and seconded by Edward Fisher to *adopt* Resolution 8-17 authorizing the members of the Board, the Treasurer, and the Assistant Treasurer to be signatories for a new account at Fulton Bank to be used for the payment of expenses related to the construction of the new municipal building. The motion passed unanimously (5-0).

VI. NEW MUNICIPAL COMPLEX

A. ACCEPTANCE OF DEED FROM WHFR FOR 3476 MARIETTA AVE.

Mutual sincere appreciation was expressed for the good working relationship between West Hempfield Township and the West Hempfield Fire and Rescue Company.

- **Motion:** Moved by Kent Gardner and seconded by Edward Fisher to *accept* a deed in lieu of condemnation from West Hempfield Fire & Rescue for the property located at 3476 Marietta Avenue. The motion passed (5-0).

B. CONTRACTS FOR THE NEW MUNICIPAL BUILDING:

Mr. Stern provided copies of the New Municipal Building Bid Results dated 3/17/2017 and accompanying informational bios provided by each company. After discussion, the following actions were taken to *authorize* award of the construction contracts listed below for the project known as the "West Hempfield Municipal Building", contingent upon receipt of bonds, insurance, and necessary agency approvals:

General Trades – SMJ Construction

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *accept* Base Bid of \$5,253,900.00 and Alternate: AG1 for \$260,600.00, rejecting all other alternates, for a final contract price of \$5,514,500.00. The motion passed (5-0).

HVAC – Frey Lutz Corp

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *accept* Base Bid of \$1,183,768.00 and Alternate: AM1 for \$71,000.00, for a final contract price of \$1,254,768.00. The motion passed (5-0).

Fire protection & Plumbing – Silvertip, Inc

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *accept* Base Bid of \$887,680.00, and Alternates API for \$4,300.00, for a final contract price of \$891,980.00. The motion passed (5-0).

Electrical – H.B. Frazer Company

- **Motion:** Moved by Frank Burkhardt and seconded by Kent Gardner to *accept* Base Bid of \$965,686.00 and Alternates: AE1 for \$26,100.00, for a final contract price of \$991,786.00. The motion passed (5-0).

TOTAL CONSTRUCTION COST - \$8,653,034.00

C. AUTHORIZE C.S. DAVIDSON TO CONDUCT ‘SPECIAL INSPECTIONS’.

Mr. Stern explained what the term “special inspections” entails versus “normal inspections”. He led discussion regarding bids received and recommended selection of C. S. Davidson to conduct Special Inspections for the new municipal building as per Task 1 of their proposal dated March 27, 2017. He noted that he has discussed Tasks 2 and 3 with Rettew Engineers. Mr. Stern thanked all bidders present for participating in the bidding process. The following action was then taken:

- **Motion:** Moved by Kent Gardner and seconded by Frank Burkhardt to *authorize* staff to contract with C.S. Davidson to conduct Special Inspections for the new municipal building as per Task 1 of their proposal dated March 27, 2017. The motion passed (5-0).

D. BUILDERS RISK INSURANCE: EHD/TRAVELERS, \$9,647.00.

Andrew Stern described Builders Risk Insurance. He compared it as being similar to Home Owners Insurance for a new building and “extra protection” while the building is under construction. A premium summary and payment terms was provided by Engle Hambright & Davies. The question was raised and Mr. Stern confirmed that the contractors are technically not required but all do have their own insurance. However, this is not in the job specifications. Mr. Stern stated he felt the \$9,647.00 premium was very reasonable and requested the Board authorize staff to acquire the insurance. There were no further questions or comments and the following action was taken:

- **Motion:** Moved by Frank Burkhardt and seconded by Kent Gardner to *authorize* staff to acquire Builders Risk Insurance from Travelers Property Casualty Company of America, via Engle Hambright & Davies, in the amount of \$9,647.00 for the period April 5, 2017 to December 31, 2018. The motion passed (5-0).

VII. SUBDIVISIONS/LAND DEVELOPMENTS, AND PLANNING MODULES

BRIEFING ITEM:

A. Sylvan View Phase 3 – WHTPC 2-17 (90 Day 6/1/17)

Final Plan

Location: North end of Greystone Drive – West of the intersection of Archer Lane

Zone: R-2

Acreage: 10.23

The applicant is proposing to subdivide the remaining tract lot area into 32 single family lots. These lots will be served by public water and sewer. Storm water facilities are included in the plan. Bill Swiernik of David Miller/Associates, Inc. briefly described the Plan and reviewed a few changes that have been made. He remarked that the plan for Phase 3 is fairly consistent with plans previously submitted for Phases 1 and 2. The Board felt things were moving along very well and invited Mr. Swiernik to attend the combined Planning Commission/Board of Supervisors meeting scheduled for March 20, 2017. No action was required at this time as the Planning Commission has not yet acted on this Plan. The applicant hopes to present the Final Plan at the next Board of Supervisors meeting scheduled for May 2, 2017.

AGENDA ITEMS:

A. Tom Snyder WHTPC 15-6

Storm Water Management Plan

Location: 755 Kinderhook Road

Zone: RA

Acreage: 0.50

The applicant has submitted a Storm Water Management Plan for the construction of his house which has already been completed. There was a complaint regarding the amount of disturbance on the property and the Lancaster County Conservation District verified the complaint. The Conservation District asked that an Erosion and Sedimentation Plan be required along with infiltration beds which therefore warrants a Storm Water Management Plan with inspections.

Mr. Stern reviewed the background and the long process involved up to this point in time. Copies of all signed documents were signed and available. Questions and comments commenced between the Board, Thomas Snyder, Andrew Stern and Jodi Heffner. At the close of discussion, Mr. Snyder thanked the Board, Andrew Stern, Jodi Heffner and Melissa Kelly (Rettew) for working along with him for the past eight months. The following action was then taken:

Action Required:

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the Tom Snyder Storm Water Management Plan based upon the following comments being completed to the satisfaction of the Township Engineer (letter dated 3/16/17) and Township Staff. The motion passed (5-0).
1. All plan certificates need to be completed (§122-34.3, 122-38).
 2. An ownership and maintenance program, in a recordable form acceptable to the Township, that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent storm water management facilities and erosion and sedimentation control facilities needs to be provided (§122-43.1.C). The standard agreement from the ordinance has been included and will need to be completed. Any sections of the agreement that are not applicable should be removed and specific maintenance requirements for the site should be added.
 3. Financial security in the amount of \$7,967.90 will need to be provided (§122-55.1).
 4. An easement shall be provided from the spillway outfall to a natural or artificial watercourse (§122-47.7). The letter that has been signed by Mr. Williams references a previous version of the storm water design in which the basin had a pipe discharge instead of a spillway discharge. In lieu of creating a formal easement across the downstream Williams property, we recommend the applicant add to the plan a certificate of acknowledgement for the adjacent landowner to sign that acknowledges and allows the applicant the potential to discharge storm water from the emergency spillway onto their property. The certificate shall be in a format similar to the certificate of ownership, acknowledgement of plan, and offer to dedication. We suggest the following language for the certificate:
On the day, the ____ day of _____, 20__, before me, the undersigned officer, personally appeared _____ who being duly sworn according to the law, deposes and says that he is the owner of the adjacent downstream property as shown on this plan, that he acknowledges the storm water improvements proposed on the subject tract to manage runoff as part of this plan, and that he grants an easement to discharge storm water from the proposed spillway as shown on this plan.
 5. The final plan approval certificate needs to be removed from the cover sheet since this is not a subdivision plan.
 6. A note needs to be added to the plan reference the Operation and Maintenance (O&M) Agreement and stating that the O&M Agreement is part of the plan (§122-38.3).

B. David & Sarah Wolfe Subdivision WHTPC 1-17 (90 Day 5/25/17)

Formal Sketch Plan

Location: 4022 Marietta Avenue

Zone: R-1

Acreage: 19.081

The applicant is proposing to subdivide this parcel into six (6) total lots. Lots 1-4 will be approximately 1-2 acres in size and will be made available for sale. Lots 5 and 6 will be retained by the applicant. Lot 6 will be created to encumber the existing dwelling and existing barn and Lot 5 will be utilized for construction of the applicant's new home. The lots will be served by public water and sewer. The storm water facilities and improvements are located on the plan. David Christian, Registered Chief Landscape Architect, David Christian Associates, Inc., Mt. Joy, described the property, provided copies of the sketch plan previously submitted to the Planning Commission and feedback received from the Planning Commission was discussed -- most specifically, minimizing the number of driveways coming out onto Marietta Pike and combining Lot 6 with the smaller lot out front to create one driveway for those two lots. Mr. Christian stated he hoped to come away from this discussion with (1) an OK with the flag lots and (2) A letter for a meeting with the Zoning Board stating the Board of Supervisors is in agreement with moving forward with the plan.

- Waiver of Section 305 – Preliminary Plan Application. The Township Engineer (letter dated 3/10/17) recommends postponing action on this request until such time as a subdivision plan is submitted addressing the preliminary and final plan requirements.
- Waiver of Section 602.K.6, 602.M, and 602.N Improvement of Existing Streets, Curbing, and Sidewalks. The Township Engineer (letter dated 3/10/17) is recommending the Township allow the applicant to defer the installation of the required improvements subject to the condition that the following note is added to the plan: “The West Hempfield Township Subdivision and Land Development Ordinance (SALDO) requires construction of Curbs, Sidewalks, and Road Widening at all locations where the property abuts a public street. Upon owner’s request for modifications, the obligation to complete the Curbs, Sidewalks, and Road Widening at such locations has been deferred by the Township subject to the condition that the Board of Supervisors may, at any time at the Board’s sole discretion, direct that such improvements be constructed and completed in accordance with the applicable standards required by the Township at the time of such direction by the Township, at the sole expense of the owner of the property at the time of such direction by the Township. The owner of the property shall be required to complete such construction, as directed by Township Officials, within six (6) months of the date of notice to do so.”
- Waiver of Section 604.D.3 – Lot Depth to Width Ratio. The Township Engineer (letter dated 3/10/17) is recommending approval of this waiver based on the justification and alternative provided.

- Waiver of Section 604.F – Flag Lot Requirements. The Township Engineer (letter dated 3/10/17) is recommending withdrawal of this waiver by the applicant

Edward Fisher noted there is an old well on the property. This is a heavily wooded area and extremely rocky ground.

Action: NO action was taken as the above information pertains to the Wolfe Subdivision Sketch Plan and, therefore, no motions are required at this time. For minute recording purposes, the Board concurred that everything in the process to date is going very well. David Christian thanked the Board for their time and agreeing to schedule this informational discussion.

VIII. OLD BUSINESS

A. BITUMINOUS MATERIAL (PAVING): AWARD CONTRACT TO PENNSY SUPPLY, \$289,203.60.

- **Motion:** Moved by Kent Gardner and seconded by Frank Burkhart to *award* bituminous material paving contract to Pennsy Supply for \$289,203.60, in accordance with their submitted bid. The motion passed (5-0).

B. BITUMINOUS MATERIAL (MATERIAL): AWARD CONTRACT TO PENNSY SUPPLY, \$51,622.00.

- **Motion:** Moved by Frank Burkhart and seconded by Kent Gardner to *award* bituminous materials contract to Pennsy Supply for \$51,622.00, in accordance with their submitted bid. The motion passed (5-0).

C. TRANSCONTINENTAL PIPELINE - EASEMENT.

Andrew Stern provided a map that he prepared and two letters from Solicitor Josele Cleary for informational purposes. After discussion, the following actions were taken:

- **Motion:** Moved by Kent Gardner and seconded by Edward Fisher that the Chairman or Vice Chairman of the Board of Supervisors and the Township Secretary be *authorized* to execute the Purchase and Construction Agreement between Transcontinental Gas Pipe Line Company, LLC and the Township and the Right-of-Way Agreement between Transcontinental Gas Pipe Line Company, LLC and the Township conditioned upon the Township receiving both Agreements executed on behalf of Transcontinental Gas Pipe Line Company, LLC; that such documents are in form acceptable to the Township Solicitor; and Transcontinental Gas Pipe Line Company, LLC agrees in writing it shall withdraw any eminent domain action filed without cost to the Township. The motion passed unanimously (5-0).

- **Motion:** Moved by Frank Gardner and seconded by Edward Fisher that the Township Manager be *authorized* to release the fully executed Purchase and Construction Agreement and Right-of-Way Agreement to representatives of Transcontinental Gas Pipe Line Company, LLC, upon receipt of the payment set forth in the Purchase and Construction Agreement. The motion passed unanimously (5-0).

D. TRANSCONTINENTAL PIPELINE - ROAD USE AGREEMENT.

Andrew Stern reported Township staff and Solicitor Josele Cleary have been working with Transco (Williams) to finalize a road use agreement. He provided the latest agreement which has met the approval of our engineer (Rettew) and Solicitor Cleary. Edward Fisher commented that when the gas line was installed in the southern end of the county something similar was done. There was some damage and they paid the Municipalities to repair it. Everything worked out very well (Fixed and Reimbursed).

- **Motion:** Moved by Frank Burkhart and seconded by Kent Gardner to *approve* the West Hempfield Township Road Use Agreement between the Township and Transcontinental Gas Pipeline Co. in the form submitted to the Board by the Township's Solicitor and approving the execution of the Agreement by the Board Chairman subject to and following execution of the Agreement in its current form by an authorized representative of Transco and receipt of security and escrow funds as set forth in the Agreement as verified by the Township Engineer and Township Solicitor. The motion passed unanimously (5-0).

IX. NEW BUSINESS

A. COHEN LAW GROUP PROPOSAL: COMCAST FRANCHISE AUDIT.

Andrew Stern described the Comcast audit process and reviewed the proposal received from the Cohen Law Group. Following discussion, it was the consensus of the Board **NOT** to proceed with the proposal at this time.

B. 4818 MARIETTA: SEWER CONNECTION AGREEMENT.

Andrew Stern reviewed the proposed agreement pertaining to deferral of a sewer connection for the above property and Solicitor Josele Cleary's response dated March 31, 2017. He noted the property is within the Raintree Project area. It is vacant and they are keeping it vacant. After discussion, the following action was taken:

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* a sanitary sewer deferral agreement for 4818 Marietta Avenue, subject to revisions being completed by the applicant's counsel as per our Solicitor's letter dated March 31, 2017. The motion passed (5-0).

C. SMART GROWTH TRANSPORTATION FUNDING OPPORTUNITY.

Andrew Stern explained the program and noted that he and Melissa Kelly (Rettew) are on the task force. Edward Fisher commented that this is a direction the Township needs to go, particularly in Silver Spring.

- **Motion:** The Board unanimously agreed (5-0) to *authorize* staff to work with the Township Engineer to submit a notice of intent to Lancaster County for a Smart Growth Transportation grant for walkability within the Village of Silver Spring.

D. PURCHASE OF KUBOTA Z300 ZERO TURN MOWER, MESSICK FARM EQUIPMENT, INC., \$9,338.84 NET PRICE THROUGH NJPA COOPERATIVE.

Andrew Stern explained the National Joint Power Alliance and how the purchasing process works. After discussion the following action was taken, assuming the warranty is good for what we are purchasing. Mr. Stern remarked the equipment is new, it is under warranty and Staff will investigate the terms of the warranty.

- **Motion:** Moved by Kent Gardner and seconded by Edward Fisher to *authorize* staff to purchase a Kubota Z331 Zero Turn Mower for \$9,338.84, including a \$4,700 trade for our current mower, from Messick Farm Equipment, through the National Joint Powers Alliance. The motion passed (5-0).

E. USE OF FIRE POLICE: 4001 MARIETTA AVE., FRIDAY, APRIL 14, 2017.

A request was received from the Silver Spring Baptist Church for traffic control at 4001 Marietta Avenue from 6:00 p.m. to approximately 7:15 p.m. Friday, April 14, 2017 during their community Easter Egg Hunt. After discussion, the following action was taken:

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the use of West Hempfield Fire Police on April 14, 2017, for traffic control at 4001 Marietta Avenue for the Silver Spring Baptist Church Easter Egg Hunt. The motion passed (5-0).

F. SAVE A WARRIOR 5K RACE, OCTOBER 14, 2017.

Theresa Baker requested approval of a 5K run/walk event in Mountville on Saturday, October 14, 2017. A portion of the course does involve West Hempfield Township Roads. She explained this event is a non-profit fundraiser and provided the Board with a map of the planned route, along with a rough draft of the registration form. They will use many volunteers and are prepared to pay for traffic control services in order to assure the safety of everyone. Police Chief Mark Pugliese has reviewed the course map and has offered the support of his department. No PennDOT permits will be required. After discussion, the following action was taken:

- **Motion:** Moved by Kent Gardner and seconded by Edward Fisher to *approve* a 5K race on Saturday, October 14, 2017, as per the information provided to us by the applicant, Theresa Baker, in her letter dated March 28, 2017. The motion passed (5-0).

G. SPRING ROAD TOUR: SET DATE AND ADVERTISE.

The Board discussed the Tour and selected a mutual date and time. Everyone unanimously agreed (5-0) to *authorize* staff to advertise for our Spring Road Tour on April 28, 2017. (Meet at 7:15 a.m. – Official start at 8:00 a.m.)

X. APPROVAL OF PAYABLES

General Fund	\$ 323,127.71	Checks 28751 - 28889
Sewer Fund	\$ 5,115.60	Checks 3744
Refuse Fund	\$ 118,926.97	Checks 2470 - 2482
Street Light Fund.....	\$ 917.94	Checks 413
Fire Hydrant Fund.....	\$ 854.37	Checks 217 - 218
Escrow Fund	\$ 6,721.25	Checks 180 - 182
State Fund.....	\$ <u>17,411.99</u>	Checks 3129 - 3138
Total Checks	\$ <u>473,075.83</u>	

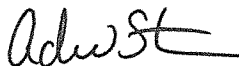
- **Motion:** Kent Gardner moved, seconded by Frank Burkhart to *approve* payment of all bills between March 1 – March 31, 2017 and any residuals. Motion carried (5-0).

XI. ADJOURNMENT – 9:55 p.m.

Chairman David Dumeyer stated there was no need to request an Executive Session and called for a motion to adjourn the regular Board of Supervisors meeting at 9:55 p.m.

- **Motion:** Kent Gardner moved, seconded by Frank Burkhart to *adjourn* the regular Board of Supervisors meeting at 9:55 p.m. Motion carried unanimously (5-0).

Respectfully submitted,



Andrew Stern,
 Township Manager

