

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING  
Minutes of October 6, 2020

The regular meeting of the Board of Supervisors was held at the West Hempfield Township Municipal Building, 3476 Marietta Avenue. The public was permitted to attend in-person or remotely via Zoom (video and audio), with instructions provided at the Township's internet website. The agenda posted to the Township's website and posted on the front window of the Township Building advised of the public's ability to attend in-person or remotely.

Chairman David Dumeyer and Board Members Kent Gardner, Edward Fisher, and Robert Munro were physically present at the meeting. Board member Naomi Martin was absent. Township Manager Andrew Stern, Zoning Officer Dwayne Steager, Public Works Director Dale Getz, Chief of Police Lisa Laden, Mountville Fire Chief Dean Gantz, Jr. were also physically present. In attendance remotely via Zoom was Judy Carrier, Recording Secretary.

- I. CALL TO ORDER: Chairman Dumeyer called the meeting to order at 7:00 p.m. and led with the pledge of allegiance.
- II. MINUTES - September 1, 2020 Regular Meeting.  
**Moved** by Robert Munro and seconded by Kent Gardner to *approve* the September 1, 2020 Regular Meeting Minutes as presented. The motion carried (4-0)
- III. COMMUNICATIONS
  - A. BOARD OF SUPERVISORS
    - LIMC Meeting –The next LIMC meeting will be October 14 at 7:30 a.m. West Hempfield will again be hosting the meeting at the Township building and providing an online option. Chairman Dumeyer and Kent Garner will not be able to attend.
    - Chairman Dumeyer read an email from JNJM, one of the newer corporate constituents in the Township, expressing great appreciation for the help the township provided on the addition to their building and all the efforts of Dwayne, Maria and Staff that helped to accomplish that.
  - B. TOWNSHIP MANAGER – Andrew Stern reviewed his written report and added the following:
    - A tentative General Election Polling location change for Chestnut Hill District from St. Anne's to Trinity Reformed United Church of Christ, 450 W. Main St., Mountville, due to COVID;
    - Resignation of township auditor Michael Laverty due to moving out of the township - a replacement will be needed which will probably be done at the Organization meeting;
    - Results of the speed study done on Falcon Court show, with the exception of a few outliers, speed is well within the appropriate range -- the 85<sup>th</sup> percentile is within 5 miles of the speed limit in general;

- COVID/CARES Act funds \$68,859 check, which comes to \$5.00 per resident, was received today.

#### INTERNAL MATTERS

1. **Revenues.** Update on EIT and LST: LCTCB has provided an updated estimate which shows our EIT revenue at \$76,502.55 below budget for the year. At the end of May, the LCTCB estimate was that we would be \$257,723 below budget, so estimates are improving! These are only estimates (educated guesses!). We continue to track close to budget for the year at the time of this report. We continue to be warned by LCTCB that our numbers may still dip by year end and that current numbers are artificially skewed by the delayed individual dollars from the 2019 tax year (as the 2019 tax filing deadline was extended this year).

EIT: 9/2020 YTD: \$ 1,875,048 (9/2019 YTD: \$1,860,549)

LST: 9/2020 YTD: \$ 273,496 (9/2019 YTD: \$263,454)

NON-RESIDENT EIT: 9/2020 YTD: \$ 7,989 (9/2019 YTD: 0) {*NEW FOR 2020*}

2. **COVID/CARES.** We have been informed by Lancaster County that our \$68,859 request for COVID-19 CARES funds was approved and a check is on its way.
3. **Building Code Issues.** Last month we received correspondence from the state related to their findings from a recent accessibility audit. This month we have received another letter – this time an “educational letter” finding fault with the Township for the timing of the issuance of certificates of occupancy for a couple of the projects involved with the audit. I have reviewed this matter with Dwayne, our BCO. Our current system of having multiple third-party companies involved has made it difficult to comply with state timeline requirements. We are proposing to change how we handle the PA Uniform Construction Code. We would like to appoint one third-party company as our BCO. They will handle all construction code reviews and permits and will serve directly as our BCO. This is the method many other municipalities, including Manor Township, follow and has been working well for them. Unless the Board objects, we intend to seek the appointment of Commonwealth Code as our BCO and eliminate our multiple-choice third-party option for all new permits. Commonwealth currently performs a vast majority of our plan reviews and inspections in this Township.
4. **Pension – Actuarial Report.** We have received our report from our actuary for the period ending December 31, 2019.
5. **Pension – Distress Level.** We have received notification from the Commonwealth of Pennsylvania that our Pension Distress Score is a “1” which indicates “minimally distressed” as our overall pension has a funding ratio of 81%. Anything under 90% funded is considered “minimally distressed”. Anything under 70% is considered “moderately distressed”. We have been at this level since at least 2010. As such we have the ability to take advantage of possible remedies to assist us. At this time I do not believe this is necessary. We had utilized a remedy in 2011 and 2012 which

allowed us to reduce our amortization contribution requirement. Notwithstanding market dips, our MMO is theoretically designed to get us to 100% funding by 2025.

6. **Dental Insurance.** We have received notice from our dental insurance company, United Concordia, that we will be credited \$1,487.42 due to significantly low claims in April 2020.
7. **Raintree.** We are down to two properties which have not yet finalized their connections to the new public sewer. Our Solicitor has sent these two property owners final reminder letters. The next step will be to begin the legal enforcement process.

#### EXTERNAL MATTERS

1. **Church Street.** West Hempfield participated in a Zoom meeting with East Hempfield and PennDOT relating to a proposed detour for an upcoming Church Street and Stony Battery Road paving and culvert replacement project. I had expressed concerns about the detour route which was to have been through our Township, with a small segment on our Township Roads. As a result of this discussion, the official detour route has been changed and will be in East Hempfield Township.

#### MUNICIPAL AUTHORITY

1. The Stormwater Committee met Sept. 10, 2020 at 9am. We will be meeting again October 8, 2020. A meeting of the Municipal Authority is NOT needed this month.

#### PERSONNEL

1. **Staffing.** All employees are currently working as scheduled with no employees in quarantine or on medical leave at the time of this report.

#### OUTSIDE BOARDS AND COMMITTEES

1. **LIMC.** The next LIMC meeting will be October 14 at 7:30 am. West Hempfield will again be hosting the meeting and providing an online option.

#### CORRESPONDENCE

1. **LASA.** We received a request from Barley Snyder, on behalf of LCSWMA, to certify our mandatory connection ordinance.
2. **LASA.** We have received notification from LASA of their intent to submit a NPDES permit renewal application for the Susquehanna Water Pollution Control Facility in Manor Township.
3. **Steagers.** A thank you card has been received by Dwayne and Shari Steager.

C. TREASURER’S REPORT – AUGUST 2020 FINANCIALS

General Fund	\$ 4,657,142.27
Refuse Fund	\$ 784,021.09
Street Light Fund	\$ 29,568.64
TDR Fund	\$ 623,573.44
State Liquid Fund	\$ 1,055,632.35
Police Pension Fund	\$ 7,993,694.67
Non-Uniform Pension Fund	\$ 2,752,441.56
Recreation	\$ 42,042.58
Highway	\$ 990,505.91
Health Care (HRA)	\$ 27,628.50
MS4 Stormwater Fund	\$ 261,634.02
Total All Funds	\$ 19,217,885.03

D. DEPT REPORTS: POLICE, PUBLIC WORKS, ZONING/LAND USE, FIRE, EMS:

Police: Chief Layden reviewed the new format for her written report and remarked it is still being refined. Edward Fisher questioned the statistics for comparison of years and Chief Layden believes the previous years were correct; however, there could be a differential in how things are being coded now. The switch to CODY began the beginning of 2020 and the officers are entering everything in real time now which is very detailed and more accurate. She added that additional changes will be forthcoming next year, as all codes for every single offense will be entered which may make it look as if there is more crime. The Board was very complimentary about the new report format and the very helpful information Chief Layden provided.

Public Works: Dale Getz submitted a written report noting it has been entirely too wet to apply the Ernst Rain Garden Seed Mix at the Ponds; Line painters now have every truck equipped with a camera to record drivers who go around the paint truck and then call wanting reimbursed for removing the yellow paint; and public works took care of taking all the wooden shingles off the Fairview Park Pavilion #1roof and replacing with new Forest Green Metal roof in-house at a considerably lower expense. The Board expressed their appreciation for the work Public Works has been doing.

Zoning/Land Use: A written report was submitted by Dwayne Steager. He reported he is wrapping up the Murry Park Project, working on the Rotary Club Grant and discussed status of tracking and settlement of outstanding permits.

Fire: Written reports were received from Hempfield and Mountville. Mountville Fire Company recently changed their status with the IRS to 501(c)(3) which makes them eligible for more funding opportunities.

EMS: Andrew Stern read an email received from Mike Fitzgibbons. He is retiring after 40 years in EMS, and his last official day will be December 15, 2020. Chairman Dumeyer proposed doing something to recognize his great service to the community.

- E. TOWNSHIP ENGINEER’S REPORT – Melissa Kelly was not present. Her written report was included in the Board packet, and Mr. Stern stated there was not a lot of change from last month; he did explain why the Grant for Water Quality Impact – Clear Water Fund – Strickler Run Stabilization Dougherty Property was not awarded to the Township.
- F. RESIDENTS – Brian Youngerman, currently of Mt. Joy and former resident and taxpayer of West Hempfield Township, speaking as a member of the public making a comment during the public comment period, raised objections to all of the development and more houses and stores coming into the Township. He thinks it is destroying the character of the community and believes it will cause an increase in school taxes. He offered his opinion of all the rezoning that is going on and would rather see the Zoning reverted so a “cornfield could remain a cornfield”.

IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

**BRIEFING ITEMS:**

- A. **4324 Marietta Avenue - WHTPC 11-2020 (90 Day 12-01-2020)**  
**Preliminary/Final Subdivision Plan**  
**Location: 4324 Marietta Avenue**  
**Zone: RA**  
**Size: 4.6 Acres/ 200,376 ft.<sup>2</sup>**

The applicant is proposing an agriculture processing facility for drying locally produced hemp.

**AGENDA ITEMS:**

- A. **Moran Estates WHTPC 08-2020 (Time Extension 1-21-2021)**  
**Lot Add-On Plan**  
**Location: 3833 Columbia Avenue**  
**Zone: C-2**  
**Size: 1.5 Acres/ 65,340 ft<sup>2</sup>**

Mr. Brian Cooley, DC Gohn Associates, Inc. was present remotely on behalf of Moran Estates to describe the property and present the intent of the Plan. The property consists of two parcels. Parcel 1 contains an existing motel and associated structures and paved areas. Parcel 2 contains an existing single-family house and associated paved areas. The intent of the plan is to add a portion of area to Parcel 1 to Parcel 2. The result is an increase in area to Parcel 1 (proposed Lot 1) and a decrease in area to Parcel 2 (proposed lot 2). There are no proposed improvements. The two properties are served and will continue to be served by public sewer and water.

**MODIFICATION REQUESTS**

### **Section 404.A.1 – Plan Scale**

The applicant has requested a modification of the requirement to provide a plan at a scale of one inch equals twenty feet (1"=20') or one inch equals fifty feet (1"=50'). In the alternative, the applicant has provided a plan scale of one inch equals forty feet (1"=40').

The Township Engineer has recommended approval of this modification based upon the justification and alternative provided.

### **Action Required**

- **Motion** was made by Edward Fisher and seconded by Robert Munro to *approve* the Requested Modification of Section 404.A.1-Plan Scale based on justification provided. The motion carried (4-0).

### **Section 602.K.6 – Existing Street Improvements**

The applicant has requested a waiver of the requirement to reconstruct Columbia Avenue to its centerline. Columbia Avenue is a PennDOT roadway with a 50' right-of-way with 20' of right of way along the property frontage that extends on either side of the subject property. Columbia Avenue consists of a 10' wide cartway, a 10' wide center turn lane, and a 10' wide cartway in front of the subject property. There is a 6.7' shoulder along the property frontage, and there are no proposed improvements associated with this plan that would necessitate the widening of Columbia Avenue.

The Township Engineer has recommended the Township deny the request to waive the street improvements of Marietta Avenue and recommend the Township defer the street improvements of Columbia Avenue based on the justification provided with 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."

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Robert Munro to *deny* the Requested Modifications to Section 602.K.6 – Existing Street Improvements, but *defer* the Existing Street Improvements based on the justification provided with 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 months of the date of notice to do so.” The motion carried (4-0).

**Section 602.M – Curbing**

The applicant has requested a waiver of the requirement to install curbing along Columbia Avenue with the justification that there is currently no curbing along Columbia Avenue on either side of the street. In addition, new curbing would create an unnecessary need for additional inlets and storm sewer along the property frontage to convey stormwater to a similar location as it currently drains.

The Township Engineer has recommended the Township deny the request to waive curbing along Columbia Avenue and recommend the Township defer the curbing along Columbia Avenue based on the justification provided with 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.”

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *deny* the Requested Waiver to Section 602.M - Curbing, but *defer* the installment of Curbing based on the justification provided with 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 months of the date of notice to do so." The motion carried (4-0).

### **Section 602.N – Sidewalks**

The applicant has requested a waiver of the requirement to install sidewalk along Columbia Avenue with justification that there is currently no sidewalk along Columbia Avenue on either side of the street. In addition, the properties are located in an area where there are limited commercial businesses or other nearby destinations to which pedestrians would walk.

The Township Engineer has recommended the Township deny the request to waive sidewalk along Columbia Avenue and recommend the Township defer the installment of sidewalk along Columbia Avenue based on the justification provided with 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."

### **Action Required**

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *deny* the Requested Waiver to Section 602.N - Sidewalks, but *defer* the installment of Sidewalks based on the justification provided with 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 months of the date of notice to do so.”  
The motion carried (4-0).

- **Motion** was made by Edward Fisher and seconded by Robert Munro to *approve* the Final Preliminary/Final Subdivision Plan for Moran Estates with the condition that all remaining outstanding engineering comments are resolved to the satisfaction of Township Staff and the Township Engineer. The motion carried (4-0).

**B. SBCC Land Company LP  
Zoning Map and Zoning Text Amendment Petition  
Location: Ivy Drive & Marietta Avenue**

Andrew Stern reported the applicant has withdrawn their text amendment and are submitting a new one that would have to go before the WHT and Lancaster County Planning Commissions. They have not withdrawn the map amendment request and we have already begun that process so that does not need to go through. They indicated their intent, rather than changing the rezoning request for the map part, is to offer, when returning deed restrictions, to clarify areas of concern when rezoned.

**Action Required:**

- **Motion to Refer Zoning Text Amendment to WHT and Lancaster County Planning Commissions.**

Kent Gardner moved to refer the SBCC Land Company LP Zoning Text Amendment to WHT Planning Commission and Lancaster County Planning Commission. **There was no second to the motion and no action was taken.**

**C. Zoning Map Amendment Petition: 4304 Marietta Avenue Millfield**

The public hearing has been set for November 5, 2020, at 7:30 pm.

**V. UNFINISHED BUSINESS**

**A. Conditional Use #83, Preserve at Silver Spring – 3733 Marietta Avenue**

- **Action** (Public Hearing held September 1, 2020). Chairman Dumeyer read the twenty-eight (28) conditions set forth in the written decision prepared by the Township Solicitor. Following discussion, **motion** was made by Edward Fisher and seconded by Kent Gardner to *approve with conditions* the Conditional Use #83, Application for CBD Group LLC for the Preserve at Silver Spring-3733 Marietta Avenue. The motion passed (4-0). Andrew Stern informed that the written decision will be signed and mailed to the applicant tomorrow, Wednesday, October 7, 2020.

VI. NEW BUSINESS

- A. 614 Sycamore Drive: Request for Waiver from On-Lot Septic Design Requirement. Lori Funck, Gander Properties, LLC, presented the Request. Andrew Stern referred to his memorandum dated September 29, 2020 recommending a Release and Waiver of Subrogation and Indemnification. Following discussion, **motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** a waiver request to allow an on-lot septic system to be built approximately sixty feet from the water supply well at 614 Sycamore Drive, with the condition that the property owner execute a Release and Waiver of Subrogation and Indemnification agreement provided by the Township and provide evidence of its recording at the Lancaster County Recorder of Deeds prior to the issuance of a permit by the SEO. The motion passed (4-0).
- B. Acknowledge Receipt of 2021 MMO, September 2, 2020. **Motion** was made by Robert Munro and seconded by Kent Gardner to **acknowledge** receipt of the 2021 Minimum Municipal Obligation (MMO) as provided by Andrew Stern, Township Manager, September 2, 2020 via US Mail. The motion passed (4-0).
- C. Bill Gasperetti, Appointment to West Hempfield Fire Police. **Motion** was made by Kent Gardner and seconded by Edward Fisher to **appoint** William ‘Bill’ Gasperetti as a member of the West Hempfield Fire and Rescue Special Fire Police conditioned on him being duly sworn prior to duty. The motion passed (4-0).
- D. October 2020 Road Tour – Schedule for October 2020. The October 2020 Road Tour was scheduled for Friday, October 30<sup>th</sup>, meeting at 8:00 a.m. at the Township Building. Andrew Stern recommended a caravan approach and requested the Board send emails to him with suggested stops.
- E. 2021 Budget Meeting – Schedule for November 2020. The 2021 Budget meeting was scheduled for 8:00 a.m., Friday, November 13<sup>th</sup>.

VII. ORDINANCES AND RESOLUTIONS

- A. Ordinance 5-2020: Drugs and Drug Paraphernalia (Marijuana)
- **Action: Motion** was made by Edward Fisher and seconded by Kent Gardner to **adopt** Ordinance 05-2020 to amend the West Hempfield Township Code of Ordinances by adding a new Chapter 66, Drugs and Drug Paraphernalia, to establish a mechanism to process minor on-violent offenses relating to personal possession or use of small amounts of Marijuana. The motion passed (4-0).

VIII. APPROVAL OF PAYABLES – SEPTEMBER 2020

FUND	AMOUNT	CHECK #'S
PAYROLL & TAXES	\$ 211,386.83	EFT
FULTON - GENERAL FUND	\$ 1,023,659.85	2696 - 2787
FULTON - MS4	\$ 39,975.34	1016 - 1026
FULTON - REFUSE	\$ 39,409.54	1076 - 1080
FULTON - STREET LIGHT	\$ 4,257.57	1076 - 1080
FULTON - ESCROW	\$ 7,727.45	2029
FULTON - STATE FUND	\$ 5,797.63	1131 - 1135
<b>Total</b>	<b>\$ 1,332,214.21</b>	

**Moved** by Kent Gardner and seconded by Robert Munro to *approve* payment of all bills between September 1, 2020 and September 30, 2020 and any residuals that may be forthcoming. Motion carried (4-0).

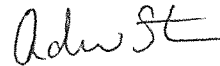
IX. GOOD OF THE ORDER

Next Board of Supervisors Regular Meeting – THURSDAY, NOVEMBER 5, 2020.  
 (Day/Date Change due to Election)

X. ADJOURNMENT

Chairman Dumeyer called for a motion to adjourn the Board of Supervisors meeting to Executive Session to discuss personnel matters. **Motion** was made by Kent Gardner, seconded by Robert Munro and unanimously carried to *adjourn* the Board of Supervisors regular meeting to Executive Session at 8:55 p.m. to discuss personnel matters.

Respectfully submitted,



Andrew Stern,  
 Township Manager

