

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of February 4, 2020

The regularly scheduled meeting of the Board of Supervisors was held at the West Hempfield Township Municipal Building, 3476 Marietta Avenue. Board Chairman David Dumeyer, and Board Members Kent Gardner, Edward Fisher, Robert Munro and Naomi Martin were present. Also in attendance were: Township Manager Andrew Stern; Zoning Officer Dwayne Steager, Public Works Director Dale Getz, Police Chief Lisa A. Layden, Township Solicitor Josele Cleary, and Judy Carrier, Recording Secretary. Brenda Baumbach was not present at the meeting.

- I. Chairman Edward Dumeyer called the meeting to order at 7:30 p.m. and led with the Pledge of Allegiance.
- II. PUBLIC HEARING: Creation of West Hempfield Township General Authority.

Chairman Dumeyer opened the Public Hearing: Creation of West Hempfield Township General Authority and explained the purpose of the Hearing and rules and codes of conduct applying thereto. **Motion** was made by Robert Munro, seconded by Edward Fisher and unanimously passed by the Board **confirming** establishment of the rules of conduct for this hearing. Township Solicitor Josele Cleary, Morgan, Hallgren, Crosswell & Kane, reviewed the rights of the Board of Supervisors and stated the Board of Supervisors is desirous of forming a general municipal authority to be able to do any project allowed by the Municipal Authorities Act, including stormwater management and the implementation of the federal and state regulations the township is being faced with. Township Zoning Officer Dwayne Steager attested that the Hearing was properly advertised and confirmed the entry of all exhibits into the record. Chairman Dumeyer noted a copy of Draft Ordinance 2-20, which includes the Articles of Incorporation to form the Authority, is on file and available for public review. There being no further comments or questions (Board or Public) Chairman Dumeyer called for a motion to close the public hearing. **Motion** was made Kent Gardner and seconded by Edward Fisher to **close** the public hearing at 7:44 p.m. The motion passed (5-0).

The Board of Supervisors meeting continued at 7:45 p.m. Chairman Dumeyer called for a motion to **adopt** Ordinance 2-20: Creation of West Hempfield Township General Authority. Robert Munro asked for verification that the voting is specific to the creation of a General Authority to be able to do anything an authority can do with the board established as it is in this document and not a specific authority geared to one specific thing with a different, more disbursed type of board make-up. Chairman Dumeyer affirmed. **Motion** was made by Kent Gardner and seconded by Edward Fisher to **adopt** Ordinance 2-20, signifying the intention and desire of the Board of Supervisors of West Hempfield Township to organize an Authority under provisions of the Municipality Authorities Act, as amended, for the purposes of exercising any and all powers conferred by said act; setting forth, in full, the proposed articles of incorporation; appointing members to the board of the authority; authorizing execution of articles of incorporation and doing all matters necessary for creation of said authority; and repealing all inconsistent ordinances or parts of ordinances. The motion passed (4-1) with Robert Munro voting nay.

III. MINUTES – January 6, 2020

Motion: Moved by Edward Fisher and seconded by Robert Munro to *approve* the Board’s January 6, 2020 regular meeting minutes as presented. Motion carried (5-0).

IV. COMMUNICATIONS

A. BOARD OF SUPERVISORS

1. Kent Gardner reported the LIMC meeting will be held at 7:30 a.m., February 12th at Manor Township. Breakfast is included.
2. Chairman Dumeyer reported on a request received regarding the possibility of putting a crosswalk across Donnerville Road over to Murry Ridge Park. Andrew Stern stated physically it can be done; however, in the past the Township had chosen not to do this due to the potential liability we’d invite if a pedestrian is injured in our crosswalk as the existence of a crosswalk would be an assumption of safety. He recommends if the Board wishes to pursue a crosswalk then we should be looking at a raised crosswalk which would then raise some issues for vehicular traffic. Chairman Dumeyer will pass this information along and will advise if there is any need for follow-up.

B. TOWNSHIP MANAGER

Andrew Stern reviewed his written report dated January 28, 2020 and additionally reported on the Rt. 462 Memorial Bridge which will be reconstructed probably in 2023 and on. There have been meetings with various municipalities on the York side, the Lancaster side, Boroughs, Townships, PennDOT, two sets of engineers, etc. It appears at this time that the bridge will be closed for at least a year for all traffic, although pedestrians and bicyclists would be able to cross. Mr. Stern reported he has expressed considerable concern for West Hempfield Township as we are responsible for police as both bridges (Rt. 462 & Rt. 30) are in our township; however, he is being outnumbered by the boroughs and the other townships. At this point they are still deciding whether the bridge will be closed for a year and then limited opening for the next year or two or whether to just close it for two or three years. Along with that there have been discussions on how to slow traffic on Rt. 30 to try to minimize access on Rt. 30 while we don’t have a detour route. Options would include Jersey Barriers which he is not a huge fan of. There will be plenty of public opportunities to view their exhibits as there is a lot more to the project than just closure of the bridge. Of major concern for our township is for police and our ambulance services. Other townships have issues such as access points onto the bridge, round-a-bouts, etc. There will be opportunities for this Board as well as the public to give their thoughts on everything. At the moment, it looks like the bridge will be closed from the end of 2023 until 2024 and/ or 2025.

INTERNAL MATTERS

1. **Trick or Treat.** LIMC set Halloween as October 31, except when it falls on a Saturday or Sunday, in which case it will be the prior Friday. In 2020 Halloween falls on a Saturday, thus per the LIMC agreement Halloween will be the Friday prior, October 30, 2020. West Hempfield adopted this policy by Resolution R12-92. Given the nightmare that haunted us Halloween 2019, I want to make sure the Board is still ok with this policy. East Hempfield has been doing an unofficial poll of its residents with very wide-ranging responses. *The Board agreed to follow LIMC Agreement. Halloween Trick or Treat for 2020 will be Friday, October 30th.*
2. **Grants/Lobbying.** I intend to bring a proposal to you either at this meeting or next month (once I receive everything I am waiting for!). The proposal will be from a consulting firm that helps municipalities obtain grants. We are finding that most of the grants currently available for stormwater have become ridiculously political and are not obtainable without significant lobbying by a well experienced firm. I have worked with two firms in the past, one out of this area and one out of the Washington DC area. The DC firm dealt more with federal grants, so I will be presenting a local firm to you for consideration. The proposal is costly but experience shows they have provided significant returns on investments. I will provide additional details soon. *Mr. Stern expects to have more information available by the March Board of Supervisors meeting on what it would cost to hire a person to lobby for us on these grants.*
3. **LASA.** We have learned that there may be a capacity issue in the Silver Spring and Farmdale Pump Station areas. LASA will be studying this with their Engineer RK&K. In the meantime, developers working on several projects in the area are on hold as they have been unable to obtain capacity confirmation from LASA. LASA has not provided any additional information yet. *Edward Fisher reported the LASA Board has approved the contract for the study.*

EXTERNAL MATTERS

1. **Murry Rezoning Requests.** We have received updated zoning ordinance text change language from the applicant as a result of December discussions. We will review with Ed Fisher and Rob Munro and provide feedback before bringing this back to the full board.

PERSONNEL

1. **Public Works.** We have hired a new full-time public works employee, Michael Martinson, to replace Rick Steffy. Mike started January 22, 2020.
2. **Public Works.** We have hired a new part-time public works employee James Paternoster. Mr. Paternoster is a Township resident with a CDL license who will be helping us with larger snow events.
3. **Zoning.** Dwayne Steager has completed his requirements for the PSATS PMGA Planning Program. This took a significant amount of his time. A list of the courses he took to accomplish this is attached. Please join me in congratulating Dwayne for his efforts! *Congratulations Dwayne!*

OUTSIDE BOARDS AND COMMITTEES

1. **LIMC.** The next meeting is February 12 at 7:30 am at Manor Township.
2. **CLC.** The next meeting is March 25, 2020 at 8:30 am at East Petersburg Borough.
3. **IIC.** We will be hosting the next Intermunicipal Insurance Cooperative (Health & Dental Insurance) meeting here at West Hempfield on February 5, 2020 at 9:00 am.

CORRESPONDENCE

1. Lancaster Direct, LLC. Storb Environmental provided a downstream notification for bulk petroleum storage at Lancaster Direct's facility in Penn Township.
2. Leffler Energy. Storb Environmental provided a downstream notification for bulk petroleum storage at Leffler Energy's facility in Mount Joy Township.
3. Lancaster County District Attorney. We are in receipt of the DA's fourth quarter 2019 Drug Task Force Report.

C. TREASURER'S REPORT: NOVEMBER 2019 FINANCIALS

General Fund	\$ 4,016,927.34
Sewer Fund	\$ 147,350.79
Refuse Fund	\$ 547,691.31
Street Light Fund	\$ 19,214.46
Fire Hydrant Fund	\$ 18,090.29
TDR Fund	\$ 619,068.32
State Liquid Fund	\$ 615,769.81
Police Pension Fund	\$ 7,697,931.53
Non-Uniform Pension Fund	\$ 2,660,063.97
Recreation	\$ 41,725.51
Highway	\$ 982,999.53
Health Care (HRA)	\$ 25,085.62
MS4 Stormwater Fund	\$ 200,334.28
Total All Funds	\$ 17,592,252.76

Robert Munro raised a question regarding negative expenditure revenues listed in the in the report. Mr. Stern stated it could possibly be due to November and December adjustments that are still being worked on; however, he will check with Brenda.

- D. DEPARTMENT REPORTS: POLICE, PUBLIC WORKS, ZONING/LAND USE, FIRE, EMS:** Chief Layden had nothing further to add to her written report. There were no comments or questions.

PUBLIC WORKS: Dale Getz reviewed the Silver Spring embankment project outlined in his report and asked for authorization to move forward with the project as presented.
The Board had no objections.

ZONING: Dwayne Steager noted Maria McDonald expresses her thanks and gratitude for the assistance provided by the addition of a person to handle the Police Right-to-Know Requests.

FIRE: Fire Chief Doug Kemmerly reviewed Columbia's 2019 Annual Report. Fire Chief Dean Gantz reviewed Mountville's 2019 Year End statistics. Mrs. Brubaker, Mountville, asked if the fire department would come and check her smoke detectors. Chief Gantz asked that she provide her name and address so he could contact her.

EMS: No Report.

E. TOWNSHIP ENGINEER'S REPORT - Kara Kalupson, Rettew Associates, reviewed the January 27, 2020 report as submitted.

F. RESIDENTS

Bonita Fausler, Stonehouse Lane, expressed concern for safety of children on the street and reported in 2019 she had requested signs but there are still none. Andrew Stern advised the township's normal policy is not to put 'children' signs up or install speed bumps because they are ineffective. He will discuss this with Police Chief Layden.

Sherice Brown, Stonehouse Lane, stated she was disappointed with the Board's answer to Bonita Fausler. She reported there is only one speed sign facing one way on the street. Chief Layden will do a speed study to determine what the speeds are and Dale Getz will take a look at the speed signs to determine if another one is needed as there should be a sign on each side. Ms. Brown also wished to file a complaint about people parking on the side of the street where it is not permitted. The police will investigate this; however, the Board suggested that perhaps this could be resolved between the neighbors involved.

Nereida Vasquez, Stonehouse Lane, complained about speeding and reported cars are parking at the stop sign so close to her driveway that she can't get out. Chief Layden asked that she call 911 when that happens.

Sonya Glenn, Oak Hollow Drive, reported on cars speeding at the school bus stop during pick-up at 6:45 – 6:50 a.m.

Kenneth Smith, Sylvan Retreat, also expressed speeding concerns.

Tina Interrante, Millbrook Road, reported road repairs are needed in the Millbrook/Farmdale area. The roads are crumbling and causing falls. The Board recognizes this needs to be done and Perry Madonna reported some work will be done in this area . . . a "band-aid" immediately and then again after stormwater work is completed. Andrew Stern reported the township is working on it and her neighborhood is scheduled to be first for the project.

V. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

BRIEFING ITEMS:

- A. Sedgewick – WHTPC 13-19 (90 Days 3-10-20)**
Preliminary/Final Land Development Plan
Location: 4061 Columbia Ave.
Lot Size: 17 Acres/740,520 sq.ft.

ACP Properties, LLC is proposing to develop a 17.8-acre property located on the north side of Columbia Avenue and west of Meadow Road, in West Hempfield Township, Lancaster County.

The proposed improvements include the construction of four commercial buildings, nine townhouse units, five apartment buildings containing 163 apartments, access drives and parking areas, and public utility extensions. Stormwater management and volume control is being provided through the restoration of the existing floodplain surrounding the unnamed tributary to Strickler Run which flows through the site. In addition to the floodplain restoration, several general permits are being requested for utility line crossings, and minor road crossings. The site is divided into two distinct areas by a tributary of Strickler Run; north of the channel and south of the channel. These areas can be developed simultaneously or independently of each other.

It is anticipated that the floodplain restoration will occur initially with the development of the site improvements commencing quickly thereafter. Given the site layout and scale, it is anticipated that once the construction improvements commence, they will be carried out quickly. The project is not expected to be a long-term buildout that would typically be seen in a large residential subdivision.

Historically this property was used as a drive-in movie theater with access off of Columbia Avenue, and parking throughout the north side. The area is now a mixture of broken asphalt and compacted gravel with fallow meadow surrounding what was the movie theater.

AGENDA ITEMS:

- A. 4365 Marietta Ave. – WHTPC 12-19**
Stormwater Management Plan
Location: 4365 Marietta Ave.
Lot Size: 1.2 Acres/52,272 sq.ft.

Mr. John Martin, Owner, was present along with Scott Akens, Akens Engineering Associates. Mr. Martin has submitted a request for a waiver of doing a Storm Water Management Major Land Disturbance Plan and instead proceed with a Minor land disturbance plan based on existing removed impervious for the lot. Mr. Martin is intending to construct a single-family dwelling on the property that will increase the total impervious area by 2,150 sq.ft. and disturb a total of 23,000 sq.ft.

Mr. Martin is asking for a waiver so that this plan can be reviewed as a Minor Land Disturbance. The applicant feels this waiver request is justified because although the disturbed area is over the 5,000 sq.ft. limit, upon completion of the project there will be less than 5,000 sq.ft. over actual ground cover change. Accordingly, Mr. Martin is asking for a waiver of the following section of the West Hempfield Township Subdivision and Land Development Ordinance, specifically disturbed area.

WAIVER REQUEST Section 122-22.B.c LAND DISTURBANCE

The applicant has requested a waiver of the requirement to provide a stormwater management plan for major land disturbance activity, any use that creates more than 2,500 square feet of impervious area or involves disturbance of more than 5,000 square feet of land. In the alternative, the applicant has proposed to provide a stormwater management plan for minor land disturbance activity. The plan proposes a net of 2,150 square feet of additional impervious area and although the disturbed area is over 5,000 square feet, the actual change in ground cover will be less than 5,000 square feet upon project completion.

The Township Engineer recommends approval of this waiver based upon the justification and alternative provided with the condition that the applicant satisfy all review comments below to the satisfaction of the Township.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve*, the Requested Waiver of Section 122-22.B.c with the condition that the applicant obtain approval for a Minor Land Disturbance Plan and conditioned on all remaining outstanding engineering comments are resolved to the satisfaction of Township Staff and the Township Engineer. The motion passed (5-0).

B. Summit Living Escrow Release Request
755 Summit Drive
As-Built Review No. 2
Financial Security Reduction No. 3

The applicant is requesting a release of their financial security.

Records indicate that the financial security status for this project is as follows:

Original Amount	\$ 471,929.92
Previous Reductions	\$ 383,203.44
Outstanding Balance	\$ 88,726.48

Based on a site visit on and a review of the submitted documentation, The Township Engineer recommends that the financial security for this development be reduced by \$4,027.93, which will leave a new outstanding financial security balance of \$84,698.55.

This amount is adequate to cover the costs of the remaining work listed above. The Municipalities Planning Code (MPC), Section 509 (j) states that the Township may require the retention of 10% of the original amount (\$471,929.92) prior to final release of the financial security. Therefore, until completion of all outstanding work to the satisfaction of the Township, the financial security should not be reduced to an amount below \$47,192.99.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to *deny* the release of the financial security of \$88,726.48. The above amount does not include any increase that may have automatically occurred on the anniversary date of the financial security. The motion passed (5-0).

- Based on the Township Engineer's recommendation, **motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* a reduction of the financial security of \$88,726.48 by the amount of \$4,027.93, which will leave a new outstanding financial security balance of \$84,698.55. The above amount does not include any increase that may have automatically occurred on the anniversary date of the financial security. The motion passed (5-0).

VI UNFINISHED BUSINESS

A. New Municipal Complex Architectural Closeout, Buchart Horn.

Andrew Stern reviewed his memorandum dated January 27, 2020 recommending acceptance of Buchart Horn's proposed close out of the project. Following discussion, **motion** was made by Kent Gardner and seconded by Robert Munro to *accept* Buchart Horn's proposed close out of the project with no additional cost to either party due to potential claims against each other potentially being a wash for both parties and to *authorize* Andrew Stern to sign the release of all claims for both parties. The motion passed (5-0).

B. Authorization to accept highest bidder (municibid) 2004 Ford 550.

Motion was made by Kent Gardner and seconded by Edward Fisher to *accept* the highest bid of \$9,200.00 received from the Northern York County Regional Police Department for Truck #5, 2004 F550. The motion passed (5-0).

VII NEW BUSINESS

A. Requests to waive requirement for Refuse Collection.

- i. 3165 Marietta Avenue
- ii. 174 Stone House Lane
- iii. 3917 Archer Lane

Following review and discussion, **motion** was made by Kent Gardner and seconded by Robert Munro to *deny* the requests received to waive requirement for refuse collection

for the properties located at 3165 Marietta Avenue, 174 Stone House Lane and 3917 Archer Lane. The motion passed (5-0).

B. Authorization to advertise bid for FOB asphalt materials.

i. 1,500 tons 25 mm

ii. 500 tons 9.5 mm

Motion was made by Mr. Munro and seconded by Mr. Gardner to *authorize* staff to advertise bid for FOB asphalt materials as listed. The motion passed (5-0).

C. Authorization to advertise bid for sealcoating.

Motion was made by Robert Munro and seconded by Kent Gardner to *authorize* staff to advertise bid for sealcoating. The motion passed (5-0).

D. Zoning Hearing Board – Increase to Five Members.

i. Discussion

ii. Authorization to forward to WHTPC and LCPC

Andrew Stern reviewed his memorandum recommending consideration be given to changing the Zoning Hearing Board to five members. Following discussion, **motion** was made by Edward Fisher and seconded by Robert Munro to *prepare* an amendment to Section 1001 of the Zoning Ordinance to move to a five (5) member board and forward to West Hempfield Township Planning Commission and Lancaster County Planning Commission. The motion passed (5-0).

E. 315 Primrose: Request Open Cut Street Permit Before March 15.

Dennis Funk, Owner and Contractor for the project, submitted a request for a street opening permit at 315 Primrose Lane, Mountville February 10 – February 21, explaining that actual work is only 2 days in the street but due to weather requesting 2-week window to perform the work. The street will be temporarily repaired to prevent winter potholes and settling due to winter conditions and permanently restored to Township specifications in 2020 as permit requires. A drawing for the work was attached to the request. Following discussion, **motion** was made by Edward Fisher and seconded by Kent Gardner to *grant* the waiver for open street cut permit for 315 Primrose Lane as requested and discussed. The motion passed (5-0).

F. Susquehanna Valley Chamber of Commerce Requests for 462 Bridge Events.

i. May 23, 2020, Missy Glenn Memorial 5k River Run

ii. October 3, 2020, Bridge Bust (October 10 rain date)

Motion was made by Robert Munro and seconded by Kent Gardner to *approve* the Susquehanna Valley Chamber of Commerce Requests for 462 Bridge Events as presented and discussed. The motion passed (5-0).

G. Lancaster County Drug Task Force Request for 2020 Funding.

Andrew Stern reported on a letter received from County District Attorney Heather Adams seeking Drug Task Force funding for 2020. Following review and discussion of Mr. Stern's memorandum dated January 29, 2020, motion was made by Robert Munro and seconded by Kent Gardner to *table* this matter until the March 3, 2020 Board of Supervisors meeting. The motion passed (5-0).

VIII. ORDINANCE AND RESOLUTIONS

- A. Ordinance 02-20: Creation of West Hempfield Township General Authority
 - i. Ordinance, By-Laws, and Articles of Incorporation - **Adopted** by motion made earlier in the meeting.

- B. MOU: East Hempfield Township Paving of Stony Battery Road.
Motion was made Edward Fisher and seconded by Kent Gardner to *approve* the Memorandum of Understanding: East Hempfield Township Paving of Stony Battery Road. The motion passed (5-0).

- C. Resolution 05-20: Municipal Records Disposal.
Motion was made by Kent Gardner and seconded by Robert Munro to *adopt* Resolution 05-20: Municipal Records Disposal as presented and discussed. The motion passed (5-0).

IX. APPROVAL OF PAYABLES

January 2020

FUND	AMOUNT	CHECK #'S
PAYROLL & TAXES	\$ 318,304.63	EFT
FULTON - GENERAL FUND	\$ 408,332.04	1816 -1955
FULTON - REFUSE	\$ 138,917.38	1041 - 1045
FULTON - STREET LIGHT	\$ 4,491.04	1020
FULTON - ESCROW	\$ 3,602.45	1018
FULTON - STATE FUND	\$ 17,608.00	1073
Total	\$ 891,255.54	

Motion: Moved by Kent Garner and seconded by Robert Munro to *approve* payment of all bills between January 1 – January 31, 2020 and any residuals. Motion carried (5-0).

X. GOOD OF THE ORDER

UPCOMING MEETINGS: March 3, 2020 Regular Meeting.

XI. ADJOURNMENT

Chairman Dumeyer asked for a motion to adjourn the regular Board of Supervisors meeting at 9:25 p.m. **Motion:** Kent Gardner moved, seconded by Robert Munro, to *adjourn* the regular Board of Supervisors meeting at 9:25 p.m. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,
Township Manager

