

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of April 7, 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.

Board Chairman David Dumeyer, and Board Members Kent Gardner, Edward Fisher, Robert Munro, and Naomi Martin were physically present at the meeting. Township Manager Andrew Stern was also physically present. In attendance remotely via Zoom were Zoning Officer Dwayne Steager, Assistant Zoning Officer Maria McDonald, Public Works Director Dale Getz, Police Chief Lisa A. Layden, Recording Secretary Judy Carrier, Township Engineer Melissa Kelly, Mountville Fire Chief Dean Gantz, Jr., Brent Detter (Engineer for SALDO applicant Americold), and four members of the public. David Kegerize and Steven Borg were physically present for their SALDO project at 4125 Marietta Avenue.

- I. CALL TO ORDER: Chairman Dumeyer called the meeting to order at 7:30 p.m. and led with the pledge of allegiance.
- II. PUBLIC HEARING: Ordinance 03-20, Amendments to the Zoning Ordinance related to increasing the size of the Zoning Hearing Board and regulating Video Gaming Terminals and Similar Devices.

Chairman Dumeyer informed that tonight's hearing is a Legislative Hearing and explained the purpose, procedures, rules and regulations that will apply. No stenographic record of the Hearing is being kept; however, minutes will be taken. Due to the issues of this Hearing being conducted virtually, the process for meeting attendees to remotely 'raise their hand' using the Zoom Chat feature was explained. Mr. Dumeyer then called for a motion to establish the rules governing the conduct of this Hearing. **Motion** was made by Kent Gardner and seconded by Edward Fisher to *establish* the rules to the Public Hearing for Ordinance 03-20 as spoken. The motion passed (5-0).

Chairman Dumeyer explained the Ordinance which has two parts: (1) Zoning – Moving from a three member board to a five member board; and (2) Addressing uses not provided for parking, recreation facilities including health and fitness centers, golf courses, arcades, games of skill and chance, and other recreational facilities. Andrew Stern affirmed the Ordinance was publicly advertised and available for public review and stated no questions or comments have been received from the public. Edward Fisher asked if recreational facilities would be a special exception and Andrew Stern confirmed. Mr. Fisher further stated he understands the County's comments and believes he knows where their recommendations are coming from. He is not opposed to a commercial recreational facility and believes the wording in the Ordinance is fine the way it is.

Chairman Dumeyer asked if there were any questions or comments from the public. The two persons physically in attendance declined. Mr. Stern unmuted the Zoom attendees and again asked if there were any questions or comments from the remote attendees – there were none.

There being no further questions or comments (Board or Public), the Chair entertained a motion to close the Hearing. **Motion** to *close* the Hearing was made by Edward Fisher and seconded by Robert Munro. The motion passed (5-0).

Action Taken:

Chairman Dumeyer entertained a motion to approve the Amendments to the Zoning Ordinance related to increasing the size of the Zoning Hearing Board and regulating Video Gaming Terminals and Similar Devices.

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* Ordinance 03-20, amendments to the West Hempfield Township Code of Ordinances, Chapter 14, Zoning, to increase the number of members of the Zoning Hearing Board and address uses not provided for, parking, recreation facilities including health and fitness centers, golf courses, arcades, game of skill and chance, and other recreational facilities. The motion passed (5-0).

III. MINUTES – March 03, 2020 Regular Meeting
March 31, 2020 Special Meeting (COVID-19)

Motion: Moved by Edward Fisher and seconded by Kent Gardner to *approve* the Board’s March 3, 2020 Regular Meeting Minutes and March 31, 2020 Special Meeting (COVID-19) Minutes as presented. Motion carried (5-0).

IV. COMMUNICATIONS

A. BOARD OF SUPERVISORS

1. Chairman Dumeyer announced this is Local Government Week. A portion of the Township’s Emergency Management Plan was activated for the pandemic response team and he recognized that many people within the township and outside have been able to contribute and have been very helpful.
2. Kent Gardner reported the LIMC meeting for this coming month has been cancelled.
3. Edward Fisher appreciates the work the road crew did on Silver Spring Park.

B. TOWNSHIP MANAGER

Internal Matters

1. **Grants (General).** All submitted grant applications are currently on hold by the granting entities.
2. **Grants (Murry Park).** We are continuing to prepare for the Murry Park project. Rettew’s staff is working remotely to move this forward as soon as possible. The original grant condition was for all work to be completed by September 2020. We must proceed with the assumption that this date will not change, although we are hopeful it will be pushed back.

3. **Planning Commission.** Attached is the West Hempfield Township Planning Commission's 2019 report.
4. **Trash Billing.** Second quarter trash bills will have a slight delay. We will also be considering a delay with the payment due date.
5. **Trash Collection Changes.** Yard Waste and Large Item pickups are currently suspended in accordance with Republic's current operations adjustment.
6. **COVID-19.** We have devoted a page on our website to update our residents on how we are dealing with COVID-19. I would encourage you to direct people with questions to this site. They are also welcome to call the office.

External Matters

1. Nothing new to report.

Personnel

1. **COVID-19.** As the Board is aware, staff has been rotating working at the office and at home (where practical). We are doing our best to respond to all public questions and concerns despite being shorthanded in the office. I would like to thank ALL EMPLOYEES for their cooperation with this!
2. **Katie Gotshall.** Katie has resigned. We have hired a replacement to fill her position, Leah Johnson. We wish Katie the best in her new position.

Outside Boards and Committees

1. **LCTCB** has elected to waive late fees and penalties for local income taxes until June 15, 2020. The due date of April 15 remains in effect due to state law.
2. **All committees and external meetings are cancelled or delayed at this time.**

Correspondence

1. **PennDOT Road Turnback.** We have received notification that we will receive \$10,560 from PennDot for 2020.
 2. **PennDOT Liquid Fuels.** We have received notification that we will receive \$578,984 from PennDot for 2020.
 3. **SCANTRON.** We have received notification from Scantron on Continental Drive of their intent to seek PA Department of Environmental Protection Air Quality Permit.
 4. **PPL Electric.** We have received notice from Borton Lawson of PPL's intent to apply for a General Permit from the PA Department of Environmental Protection for a pole replacement project.
- C. **TREASURER'S REPORT: JANUARY 2020 FINANCIALS** – Report will be available at the next Board of Supervisors Meeting.
- D. **DEPARTMENT REPORTS: POLICE, PUBLIC WORKS, ZONING/LAND USE, FIRE, EMS, TOWNSHIP ENGINEER**

POLICE: A written report was provided. Police Chief Lisa Layden stated the West Hempfield Police Department has agreed to the Lancaster County COVID-19 Task Force Plan and attached a copy to her report. She advised that things are running fairly smoothly and supplies are in very good condition. The PA State Police will respond to calls if the

department is unable to cover shift due to COVID-19 infection or quarantine and a request letter has been prepared per PSP protocol.

PUBLIC WORKS: A written report was submitted. Dale Getz reported they are continuing to work and there has not been anything out of the ordinary. He appreciates being on the Pandemic Task Force.

ZONING: A written report was submitted. Dwayne Steager reported an updated preliminary plan for Murry Park was put in everyone's mailbox today. He asked that everyone review and believes there will be no delays in meeting the timelines. The rain barrel distribution is on line and four have been sold.

FIRE: Written reports were submitted by all three Fire Departments. Chief Dean Gantz stated everything is going very well. Calls have been reduced due to everybody staying in and calls are being handled on a case-by-case basis. The membership has been healthy and there have been no issues pertaining to the Coronavirus among the members.

EMS: Chairman Russell stated that Mike has been a very active participant on the Pandemic Response Team and is a wealth of knowledge. Due to his questions, a lot of things have been fixed not just in the Township but throughout the county.

- E. TOWNSHIP ENGINEER'S REPORT: Melissa Kelly had nothing to add to her written report and there were no questions from the Board.
- F. RESIDENTS: Chairman Dumeyer reminded Zoom attendees to "raise hand" to be recognized. Mr. Stern explained how to "raise hand" on computer and by phone. Mr. Stern also 'unmuted' all remote users. No one asked to be recognized. No one physically present had comment either.

V. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

AGENDA ITEMS:

- A. **Borg – WHTPC 4-2020 (90 Days 5-25-20)**
Preliminary/Final Land Development Plan
Location: 4125 Marietta Ave.
Lot Size: R-3 .98 Acres/42,689 sq.ft.

David Kegerize, PE, Towne Square Engineering and Steven Borg, applicant, were both physically present at the meeting. The Applicant proposes to subdivide a 0.97 tract of land on the south side of Marietta Pike roughly 600 feet west of Farmdale Road in West Hempfield Township, Lancaster County, PA. Applicant proposes to subdivide the property into two lots, the first lot will contain the existing farmhouse and the second lot will contain a single, two family dwelling. The property will be served by public water which is available in Marietta Pike. It will be served by public sewer, which is located in Jasmine Place, a street in the neighboring subdivision to the north. An existing

utility easement is located on the adjoining lots between the northerly property of the Borg property and Jasmine Drive. The property currently has a house, a barn, two sheds, a silo and an extensive paved and stone parking and access drives. The house and one shed will remain. The remaining existing impervious areas will be torn down or removed. This property has been used as a residential property for more than fifty years.

Note: The West Hempfield Township Planning Commission was briefed on the plan but did not take action. Based on the simplicity of the plan and preliminary review, staff and the Township Engineer are recommending action at this time.

Melissa Kelly, Rettew Associates, referred to Rettew's letter dated March 24, 2020 and commented on the two waivers requested: (1) Waiver from the requirement to install curbing along length of Marietta Avenue and (2) Waiver from the requirement to install sidewalk along Marietta Avenue. No alternative was provided for either Request. The Township Engineer is recommending that both requests be denied and a note be added to the plan as stated in the letter.

➤ **Action Required:**

Motion was made by Edward Fisher and seconded by Kent Gardner to *deny* the Steve Borg, 4125 Marietta Avenue request for waiver from the requirement to install curbing along length of Marietta Avenue but *grant* deferment until such time as the Township should determine that it is needed. The motion passed (5-0).

➤ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *deny* the Steve Borg, 4125 Marietta Avenue waiver request from the requirement to install sidewalk along Marietta Avenue but *grant* deferment until such time as the Township would require such improvements. The motion passed (5-0).

➤ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *Approve with Condition* the Preliminary/Final Plan Development Plan for Steve Borg, 4124 Marietta Avenue with the condition that the applicant satisfies all outstanding comments and requirements to the satisfaction of the Township Engineer and Township Staff. The motion passed (5-0).

B. Americold Logistics, LLC- WHTPC 02-2020 (90 Day 5/11/2020)

Preliminary/Final Lot Add-On & Land Development Plan

Location: 3800 Hempland Road

Lot Size: I-2 16.2 acres/705,672 sq.ft. and 23.9 acres/1,041,084 sq.ft.

Brent Detter, David Miller Associates was present remotely on behalf of the applicant, ART Mortgage Borrower Propco 2010-5 LLC, owner of two adjoining tracts of land located on the south side of Hempland Road and on the east side of Spring Street in West Hempfield Township, Lancaster County, Pennsylvania. Tract 1 contains approximately 16.2 acres and is numbered as 3800 Hempland Road. Tract 2 contains approximately 23.9 acres.

The Property is located in the I-2 General Industrial District. Tract 1 and Tract 2 will be combined into one lot. Tract 1 is currently developed with a cold storage warehouse and distribution facility. Warehouse and distribution facilities are uses by right in the I-2 General Industrial District. Access to the property is by way of two existing driveways located along Hempland road. Tract 2 will be the most impacted by the proposed improvements and is currently maintained in a fallow condition. The proposed improvements include the construction of an automated high bay cold storage warehouse, additional truck parking and maneuvering areas and stormwater management facilities. The site is approximately 40-acres in size with approximately 25-acres of anticipated disturbance associated with the project. The Property is currently serviced by both public water and sewer.

MODIFICATION REQUESTS

○ Section 305 – Preliminary Plan Processing.

The applicant has requested a modification of the requirement to process a preliminary plan and in the alternative, proceed directly to final plan.

The Township Engineer has recommended the Township approve this modification request based upon the alternative and justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township.

Action Required:

- **Motion** made by Edward Fisher and seconded by Kent Gardner to ***approve*** the Requested Modification Section 305 – Preliminary Plan Processing based upon the justification provided. The motion passed (5-0).

○ Section 602.N.1 – Sidewalk Grass Strip between Curb and Sidewalk.

The applicant has requested a modification of the requirement to provide a four-foot wide grass planting strip between the curb and sidewalk and, in the alternative, propose a zero-foot wide planting strip at existing utilities (fire hydrant, utility pole, and existing culvert). The applicant states that the planting strip would be full width along all other areas.

The Township Engineer has recommended the Township approve this modification request based upon the alternative and justification provided.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the Requested Modification Section 602.N.1 – Sidewalk Grass Strip between Curb and Sidewalk based upon the alternative and justification provided. The motion passed (5-0).

○ Section 602.P.2 – Nonresidential Driveway Width.

The applicant has requested a modification of the requirement to provide a maximum driveway width of 24 feet and, in the alternative, proposes to expand the existing

western driveway to 42 feet. The applicant states the driveway will be approximately 59.5 feet wide at the street right-of-way. This modification will allow for three 14-foot wide lanes, a dedicated entrance lane, and a dedicated right and left turn exit lane.

The Township Engineer has recommended the Township approve this modification request based upon the alternative and justification provided contingent on a favorable review by the emergency services providers and satisfactory review of the truck turning movements.

Action Required:

➤ **Motion** was made by Edward Fisher and seconded by Robert Munro to ***approve with Conditions*** Section 602.P.2 Nonresidential Driveway Width based upon the alternative and justification provided contingent on a favorable review by the emergency services providers and satisfactory review of the truck turning movements. The motion passed (5-0).

○ **Section 122-47.J – 24 Hour Dewatering Time for Rate Control.**

The applicant has requested a modification of the requirement for Basin ‘A’ to dewater within 24 hours, and in the alternative, proposes a basin dewatering time of 54 hours in order to comply with the 50% reduction in pre-development peak flows. The peak flow rates in the post-development condition have been reduced to levels that are less than 50% of the pre-development condition for all design events. The applicant states that the existing basin is being modified to manage runoff for a significant portion of the site, including the discharge pipe. The existing discharge pipe is the controlling feature for the higher design events, thereby limiting the ability to achieve higher release rates and lower dewatering times.

The Township Engineer had recommended the Township postpone action on this request to allow the applicant to demonstrate how the dewatering time of 54 hours was calculated, and to show compliance with Section 122-48.B.2.

The Applicant has since modified the request for the dewatering time to 35 hours and the Planning commission has conditionally approved a dewatering time of 35 hours with the condition that the Township Engineer review and approve the requested dewatering time.

Action Required:

➤ **Motion** was made by Edward Fisher and seconded by Robert Munro to ***approve*** the Requested Modification Section 122-47.J – 24 Hour Dewatering Time for Rate Control and in the alternative a dewatering time of 35 hours pending a favorable review by the Township Engineer. The motion passed (5-0).

○ **Section 122-48.A.2.c – Maximum Loading Ratio.**

The applicant has requested a modification of the requirement to provide a maximum loading ratio of 5:1 for impervious areas and 8:1 for total drainage area in non-karst

areas. In the alternative, the applicant proposes loading rates of 6.8:1/11.9:1 for BMP 1 and 13.9:1/19:1 for Basin A and has provided a letter of support from the project geologist.

The Township Engineer has recommended the Township approve this modification request based upon the alternative and justification provided.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the Requested Modification Section 122-48.A.2.c – Maximum Loading Ratio and in the alternative, a loading ratio of 6.8:1/11.9:1 for BMP 1 and 13.9:1/19:1 for Basin A based upon the alternative and justification provided. The motion passed (5-0).

PLAN APPROVAL

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the Final Lot Add-On & Land Development Plan for Americold Logistics, 3800 Hempland Road with the condition that the applicant satisfies all outstanding comments and requirements to the satisfaction of the Township Engineer and Township Staff. The motion passed (5-0).

VI. UNFINISHED BUSINESS

- Lancaster County Drug Task Force Request for 2020 Funding. Andrew Stern reviewed his memo dated March 30, 2020 and attached Memorandum of Understanding of Agreement between West Hempfield Township and the Lancaster County Drug Task Force. Following discussion, **motion** was made by Kent Gardner and seconded by Edward Fisher to ***restore*** the \$1.00 per capita contribution, ***ratify*** the Township Manager's signature on the Memorandum of Understanding and ***approve*** payment of \$16,153.00 to the Lancaster County Drug Task Force for the calendar year 2020. The motion passed (5-0)

VII. NEW BUSINESS

- Refinance Municipal Building Loan – Fulton Bank. Andrew Stern provided and explained the Fulton Bank Financing Proposal for the Modification of the New Municipal Building Loan. The original loan, which the Township is now three years into, was structured at seven years at a fixed 2.68%. The next thirteen years are variable not to exceed 4.25%. Mr. Stern has been working with both Fulton and Concord and stated the bottom line is this modification extends the fixed period of time and drops the rate from 2.68% to 2.55%. He cautioned that this does not mean that the Township will save money, as variable rates could be lower than the agreed to fixed rates at some point during the loan. The refinancing would mean the amount paid would be less than with the current loan and he explained the calculations behind this. He further stated

the advantage of this proposal is knowing that budget numbers will be less for the next ten years and referred to the information illustrated in the proposal.

Following discussion of Mr. Stern's presentation and recommendation, **motion** was made by Robert Munro and seconded by Kent Gardner to *proceed* with the process of refinancing the municipal building loan that would entail authorizing Township Manager Andrew Stern to sign the Fulton Bank Proposal and authorize William McCarty of Barley Snyder to proceed with the paperwork and resolution to adopt the modification of the terms of the loan which will be back before the Board of Supervisors on the May 5, 2020 meeting agenda. There were no further comments or questions (Board or Public) and the motion unanimously passed (5-0).

- Real Estate Tax – Postpone Penalties until November 30, 2020 – Resolution 8-20. Following discussion, **motion** was made by Kent Gardner and seconded by Edward Fisher to *adopt* Resolution 8-20, postponing Real Estate Tax Penalties until November 30, 2020. The motion passed (5-0).
- Tax Upset Sale – Postpone 2020 Sale – Resolution 9-20. Andrew Stern explained the Upset Sale for properties significantly deficient in paying taxes. He reported that, for a number of reasons, the County Treasurer, Amber Martin, is requesting that the sale be delayed. The current information provided by Ms. Martin lists approximately forty (40) West Hempfield Township properties totaling \$200,000. Mr. Stern asked the Board to authorize either the Chairman or him to sign the petition received from Ms. Martin asking the County to delay the 2020 Tax Upset Sale.

Robert Munro asked if the list of properties received from Amber Martin pertains only to fees for 2018 and prior and not 2019. Mr. Stern confirmed that is correct. He reported that Ms. Martin informed him that people will wait until the last minute and then come forward and pay at the time of the sale and she believes that, due to present circumstances, more will be able to do that if the sale is delayed. He emphasized that delaying the sale will delay the revenue received but will not significantly reduce it. Mr. Munro expressed concern for how delaying the sale would affect the township's cash flow position and remarked that the Sale is presently scheduled for this coming September and there could be a significant positive change in economics by that time. Mr. Stern advised he had similar concerns; however, the municipal portion of the amounts on the list represents a very small percentage of the township's budget. And, finally, he stated the approval to postpone the Sale must be unanimous by all townships; otherwise, the County cannot delay it.

There being no further discussion, comments or questions (Board or Public) **motion** was made by Edward Fisher and seconded by Kent Gardner to *authorize* signing of the petition to postpone the Upset Sale for Real Estate Tax as the County Treasurer recommends. The motion carried (4-1) with Robert Munro voting 'nay'.

VIII ORDINANCES AND RESOLUTIONS

- Ordinance 3-20: Amendments to the Zoning Ordinance. *Had been approved earlier in the meeting immediately following the Public Hearing.*
- Resolution 6-20: Appointing Ciro Gambone to the Zoning Hearing Board. **Motion** was made by Kent Gardner and seconded by Robert Munro to *adopt* Resolution 6-20 appointing Ciro Gambone to the Zoning Hearing Board for a term to expire December 31, 2023, replacing Mr. Gambone’s prior appointment as an Alternate Member of the Zoning Hearing Board. The motion passed (5-0).
- Resolution 7-20: Appointing David Lounsbury to the Zoning Hearing Board. **Motion** was made by Kent Gardner and seconded by Robert Munro to *adopt* Resolution 7-20 appointing David Lounsbury to the Zoning Hearing Board for a term to expire December 31, 2024. The motion passed (5-0).

IX. APPROVAL OF PAYABLES
 March 2020

FUND	AMOUNT	CHECK #'S
PAYROLL & TAXES	\$ 209,963.14	EFT
FULTON - GENERAL FUND	\$ 268,853.55	2088 - 2197
FULTON - REFUSE	\$ 62,674.53	1050 - 1051
FULTON - ESCROW	\$ 199,555.02	2020
FULTON - STATE FUND	\$ 790.26	1090 - 1093
Total	\$ 741,836.50	

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

X. GOOD OF THE ORDER

Upcoming Meetings: May 5, 2020 Board of Supervisors Meeting.

XI. ADJOURNMENT

Chairman Dumeyer asked for a motion to adjourn the regular Board of Supervisors meeting at 8:45 p.m. **Motion:** Kent Gardner moved, seconded by Robert Munro, to *adjourn* the regular Board of Supervisors meeting at 8:45 p.m. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,
 Township Manager

