

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of October 5, 2021

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, Robert Munro, and Naomi Martin were physically present at the meeting. Township Manager Andrew Stern; Zoning Officer Dwayne Steager; Public Works Director Dale Getz; Police Chief Lisa Layden and Township Engineer Melissa Kelly were also physically present. Recording Secretary Judy Carrier attended remotely via Zoom.

- I. CALL TO ORDER – Chairman Dumeyer called the meeting to order at 7:30 p.m. and led with the pledge of allegiance.
- II. ANNOUNCEMENT OF EXECUTIVE SESSION PRIOR TO MEETING FOR A PERSONNEL MATTER
 1. Action: Police Step 2 Grievance. **Motion** was made by Edward Fisher and seconded by Robert Munro to *deny* the Police Step 2 Grievance filed by the West Hempfield Police Association September 9, 2021 relative to Officer Hollis, as the Board of Supervisors concurs with the reasons for denial identified by the West Hempfield Township Police Chief in her letters dated August 21, 2021 and August 31, 2021. The motion passed (5-0).
- III. PUBLIC HEARING: SBCC & FORRY - IVY DRIVE REZONING REQUEST. Chairman Dumeyer opened the Public Hearing. The purpose of this Hearing is to allow the public to ask questions and make comments about proposed Ordinance 06-2021.

The proposed ordinance has two parts:

- A. Change the zoning of two parcels totaling 56 acres, identified as Tracts A & B on the map, owned by SBCC Land Co, LP, located south of Ivy Drive between Marietta Avenue and Stony Battery Road, from Rural Agricultural to R3 Residential.
- B. Change the zoning of a 2.68 acre portion of a 6.12 acre property owned by the Forry's from Rural Agricultural to Traditional Village (TV). The remainder of this property is already zoned TV.

This is a legislative hearing, not a judicial hearing. As such there is not a stenographic record and there is no 'party status'. The decision to adopt or not adopt this ordinance is entirely up to the Board of Supervisors as a legislative decision. The public's questions and comments will be considered in making our decision.

The Board may choose to act on this proposed ordinance this evening or at a future Board meeting.

This proposed ordinance has been reviewed at public meetings by the West Hempfield Township and Lancaster County Planning Commissions prior to this evening's Hearing.

We will hear from any members of the public in the audience first and then open the floor to those who may be joining us remotely. Persons joining us remotely may enter "Raise Hand" on Zoom to be recognized.

Claudia Shank, McNees Wallace Nurick, Counsel for the applicant, conducted the Hearing. The SBCC Property and the portion of the Forry Property located within the R District (the "Forry Purpart") are the subject of this Petition. Attorney Shank began by distributing exhibits consisting of maps depicting the existing and proposed zoning of the SBCC Property and the Forry Purpart and provided an introduction and chronological history. Chris Venarchick, RGS Associates, discussed approved criteria in support of the Request and the Forry's Statement of Joinder to Petition which proposes to amend the Zonng Map to rezone the SBCC Property from the R District to the R-3 Residential District for purposes of facilitating the Proposed Development and to rezone the Forry Purpart to the TV District such that the Forry Property is no longer split zoned. Edward Fisher asked if the analysis presented looked at Township Need within the next five years. Attorney Shank spoke to the ten-year development plan and other developments currently in the works. Robert Munro questioned why R3 versus an industrial zone and Attorney Shank replied it is a transition between residential and industrial.

The following residents offered their comments/questions or concerns: Jerry Rineer, Ivy Drive; Nathan Poglein, Stony Battery Rd.; Rose Rineer, Ivy Drive; John Schinzing, Ivy Drive; Donna Bushong, Meadow Lane; Pat Schinzing, Ivy Drive; Christine Ressler, Ivy Drive. Discussion included the possibility of commercial development within the project; need for green spaces, not commercial development; preserving land, not developing it; rainwater; sense of urgency; overflowing schools and school buses; type of housing that would be built in the development; maximum number of stories in the building; number of residents (adults and children); traffic; and why everything is under one umbrella.

Attorney Shank and the Board of Supervisors responded that the Rezoning Request is being presented as a package; there is no Development Plan at this time; and many of the questions and concerns raised will be addressed further in the Development Plan. The project will be subject to Township Specifications and the requirement to submit traffic studies. Attorney Shank concluded with respectfully requesting that the Board of Supervisors of West Hempfield Township adopt the proposed ordinance amending the West Hempfield Township Zoning Map as set forth in this Public Hearing and thanked them for their consideration at tonight's meeting.

There being no further comments or questions (Board or Public), it was **moved** by Edward Fisher, seconded by Kent Gardner and carried (5-0) to **close** the Public Hearing: SBCC & Forry - Ivy Drive Rezoning Request at 8:19 p.m.

- **Action: Motion** was made by Kent Gardner and seconded by Robert Munro to **postpone** Decision on the Hearing to the November 4, 2021 Board of Supervisors meeting. The motion passed (5-0).

IV. APPROVAL OF MINUTES.

1. September 7, 2021 Regular Meeting. Robert Munro **moved**, seconded by Kent Gardner, to **approve** the September 7, 2021 Regular Meeting minutes as distributed. The motion passed (5-0).

V. COMMUNICATIONS

A. Board of Supervisors – None

B. Township Manager – Andrew Stern reviewed his written report and expanded discussion on responses received 9/13/2021 from PennDOT regarding the Route 462 Bridge. He also had several additions to the report:

- West Hempfield Fire Rescue - Mr. Stern and Mr. Dumeyer attended a brief meeting with two members of the West Hempfield Fire Rescue before this meeting. They have created an engine committee to look at the potential for purchasing a new fire engine to replace the current 1999 fire engine which is 22 years old and is due for replacement sometime soon. This was a preliminary discussion on ideas and suggestions for what to bring forward when they meet with the entire Board of Supervisors regarding funding.
- Arbitration Award – The Township was successful and Mr. Stern provided copies of the Decision. He stated the Township does now have the authority to proceed, so the Police Chief will move forward with the process and request applications from any eligible sergeants who may be interested in promotion.
- Ordinance 5-21: Authorizing the Incurrence of Debt. Mr. Stern reported he has just been advised today that the City of Lancaster has purchased the property known as the Hurst Farm at 1625 Stony Battery Road. Ordinance 5-21 has been removed from the agenda as it was not published as required by law due to an issue with the Lancaster Newspapers that affected their ability to publish.

INTERNAL MATTERS

1. **Revenues.** Update on EIT and LST. Distributions from LCTCB are shown below.

MAY	2019 YTD	2020 YTD	2021 YTD
EIT	\$1,827,619	\$1,845,012	\$1,949,120
LST	\$260,430	\$269,993	\$255,004
OTHER	\$6,826	\$3,533	\$1,545
NON-RESIDENT	<i>Not Yet Adopted</i>	\$7,989	\$21,190
TOTAL	\$2,094,875	\$2,126,527	\$2,226,859

*Above numbers are the amounts distributed to us, net of LCTCB fees.

2. **Trash/Recycling.** A mandatory pre-bid meeting was held September 16. Potential bidders included: Republic, Penn Waste, Waste Management, and Noble. Awarding of a contract will be an agenda item this month.

3. **Police Impound Area:** At the Board's September meeting, we were authorized to add a fenced impound area for the police at a cost not to exceed \$6,325, which was the lowest proposal we had received at that time. We since received a proposal from New Holland Chain Link for \$5,774 which we accepted. The actual price should be less than \$5,000 as they have indicated that they will need less material than originally anticipated. Work began September 28.
4. **Route 462 Bridge.** Since my report to the Board last month, PennDOT has doubled down on their requirement for municipal support. Now they are also seeking that the municipalities maintain and take liability for the new lighting they are proposing for the bridge (lighting which is designed to attract the mayflies away from the road surface). As some of you are aware, the Boroughs and us had agreed to a lighting agreement some years ago, and PennDOT is assuming the new lighting would fall under this agreement. I have attached their responses to our questions. I have also attached a copy of the old agreement. I am awaiting a response from the Boroughs on how they intend to address this situation, as our refusal to agree will most likely result in the loss of bike lanes and new lights.
5. **Woody Waste.** The woody waste access project has been going much slower than we had hoped. We do have two complete proposals, neither of which we are overjoyed with. We are waiting for another quote which would require us to break the contract into two parts – fence/gate and access/camera system.
6. **CDL Requirements.** It has come to our attention that we were not fully compliant with our requirements as an employer of CDL drivers, as a result of recent changes to the law. An updated CDL policy is on this agenda, which was crafted by our labor council. We have also joined PSATS CDL Program as our Consortium/Third-Party Administrator (C/TPA). Dale, Brenda, Rusty, and I will be completing our mandatory training October 26 and October 27 through PSATS.
7. **Liquid Fuels.** We have been advised that we will receive \$529,413 in Liquid Fuels for 2022. For 2021, the amount was \$521,782. For 2020 it was \$567,444. We are moving back up to where we were pre-pandemic, but very slowly.
8. **Firefighter's Relief.** We have received our 2021 Firefighters Relief funds from the Commonwealth in the amount of \$90,815.80. These funds will be disbursed to the Fire Companies very soon.
9. **Pension Plans.** We have received our Actuarial Valuations for January 1, 2021. A copy is enclosed.
10. **LCATS. REMINDER:** The Annual Convention will be Monday, November 1, 2021, at 8:30 am at Yoders, New Holland. I have registered all of you!

EXTERNAL MATTERS

1. Nothing new to report at this time.

PERSONNEL

1. **Staffing.** We are fully staffed!
2. **Arbitration.** The Interest Arbitration hearing on the proposed Police Captain position was held August 23. It is my understanding that the decision is awaiting the arbitrator's signature.

OUTSIDE BOARDS AND COMMITTEES

1. **CLC-COG:** We met at East Lampeter on September 22. We have decided to hold one more meeting November 24, with the only action item to be to suspend the CLC-COG meetings until further notice. This decision is based on the fact that all CLC-COG municipalities are now back in the LIMC, so it has become redundant.
2. **LIMC:** Next meeting will be October 13, 2021. Location to be determined (most likely to be in the City of Lancaster).

CORRESPONDENCE

1. **PA Attorney General.** We have received a letter related to the recent Opioid settlement.

C. **TREASURER'S REPORT – AUGUST 2021**

General Fund	\$ 5,878,921.96
Refuse Fund	\$ 923,113.97
Street Light Fund	\$ 36,022.15
TDR Fund	\$ 744,055.03
State Liquid Fund	\$ 1,022,704.43
Police Pension Fund	\$ 8,877,068.61
Non-Uniform Pension Fund	\$ 3,057,570.35
Recreation	\$ 42,074.89
Highway	\$ 991,267.64
Health Care	\$ 31,472.29
MS4 Stormwater	\$ 256,501.65
Fire Tax	\$ 126,005.56
Fire Hydrant	\$ 542.65
Mun Auth - Stormwater	\$ 47,812.27
TOTAL ALL FUNDS	\$ 22,035,133.45

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

Police – Chief Layden submitted and reviewed her report and had nothing significant to add.

Public Works – Dale Getz submitted and reviewed his written report.

Zoning/Land Use – Dwayne Steager submitted and reviewed his written report. He reported the MS4 Reporting Year Final Report was in on time. Edward Fisher commented on the number of walk-in consultations. Dwayne stated they were mostly related to the Municipal Fee. Mr. Fisher suggested that perhaps the Township Newsletter could encourage people to schedule appointments for zoning permits.

Fire – Written reports were received and there was nothing further to be added.

EMS – Adam Marden, Penn State Life Lion, reported the number of calls went up with Mondays and Fridays being the busiest days. Andrew Stern added a regular dialogue is being started to better understand Penn State's future.

- E. TOWNSHIP ENGINEER'S REPORT – Melissa Kelly reviewed her written report and additionally reported on the Grubb Lake Storm Water study. She also stated they are taking a look at Newcomer Road regarding lessening the curve and should have further information on that for the upcoming Road Tour.
- F. VISITOR: LANCASTER PUBLIC LIBRARY – Jamie Hall, Director of Donor Engagement and Evalinas Dombrowski, Library Volunteer, presented the Library's need of support from the community. They provided statistics on the number of West Hempfield Township resident card holders, \$1.1 million in materials using key facts and figures on the collection of materials, electronic resources and superior service. The Lancaster Public Library is the 8th Largest library in the State and they asked that West Hempfield Township consider increasing its funding to \$1.50 per capita.
- G. RESIDENTS: PUBLIC COMMENT ON NON-AGENDA ITEMS
- Nathan Poglein, Stony Battery Road – Challenges with new development and traffic increases. His main concerns are traffic and speeding vehicles. He asked the Township to be pro-active on the plan to divert traffic during the upcoming construction on Church Street. Andrew Stern informed that Church Street is a PennDOT paving project and the Township has no control over traffic with the exception of trucks.
 - Dawn Flaharty, Ivy Drive - expressed concern with serious speeding on Stony Battery Road. Edward Fisher responded there are speeding problems everywhere. 85% of people drive a reasonable speed. 15% do not.

VI. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

BRIEFING ITEMS:

- A. **Ressler Lot Add-On WHTPC 13-2021(90 Days 12/02/2021) –**
WITHDRAWN FROM AGENDA
(October 12, 2021 Zoning Hearing Board meeting cancelled due to Lancaster Newspaper printing issue).

**B. Silver Spring Restaurant WHTPC 15-2021(90 Days 12/06/2021)
Preliminary/Final Lot Add-On and Land Development Plan**

Location: 3653 Marietta Avenue

Zoned: TV

Lot Size: 0.18 Acre/ 7,840.8 ft², 0.54 acre/ 23,522.4 ft² and 0.92 Acres/ 40,075.20 ft²

The applicant is proposing to join all three tracts in common, retain the existing restaurant, and construct two (2) multiple-family buildings with associated parking facilities, access drive, and stormwater management improvements. In the TV-District multiple-family use is allowed by Conditional Use. A Conditional Use application was submitted to the Township and subsequently approved/filed April 6, 2021.

C. 4308 Marietta Ave. WHTPC 11-2021

Stormwater Management Plan

Location: 4308 Marietta Avenue

Zoned: RA

Lot Size: 3.20 Acre/ 139,392.0 ft²

The applicant is proposing a single-family home with stormwater management and associated improvements.

D. 4320 Marietta Ave. WHTPC 9-2021

Stormwater Management Plan

Location: 4320 Marietta Avenue

Zoned: RA

Lot Size: 6.89 Acre/ 296208.3 ft²

The applicant is proposing a single-family home with stormwater management and associated improvements.

AGENDA ITEMS:

E. Sylvan Partners LP

Sylvan View Phase 2

Request for Release of Financial Security

Sylvan View Letter of Credit #D006750

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

Original Amount	\$ 501,107.15
Previous Reductions	\$ 450,996.43
Outstanding Balance	\$ 50,110.72
(prior to this requested reduction)	

Based on a site visit and a review of the documentation, the Township Engineer recommends release of the remaining financial security for Phase 2 of the Sylvan View project, in the amount of \$50,110.72, not including any increase that may have automatically occurred on the anniversary date of the financial security.

Action Required

- **Motion** was made by Kent Gardner and seconded by Edward Fisher to **approve** the release of the Financial Security Letter of Credit of \$ 50,110.72 leaving a new balance of \$0.00. The motion passed (5-0).

**F. Sylvan Partners LP
Sylvan View Phase 3
Request for Release of Financial Security
Sylvan View Letter of Credit #D007370**

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

Original Amount	\$ 523,680.30
Previous Reductions	\$ 335,373.28
Outstanding Balance	\$ 188,307.02

(prior to this requested reduction)

The above amount does not include any increase that may have automatically occurred on the anniversary date of the financial security.

This letter does not include the financial security reduction for sewer and water improvements. Those requests need to be reviewed by Lancaster Area Sewer Authority (LASA) and Columbia Water.

Based on a site visit and a review of the documentation, the Township Engineer recommends that the financial security for this development be reduced by \$135,938.99, which will leave a new outstanding financial security balance of \$52,368.03. 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 (\$523,680.30) 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 \$52,368.03.

Action Required

- **Motion** was made by Robert Munro and seconded by Edward Fisher to **deny** the release of the Financial Security Letter of Credit. The motion passed (5-0).
- **Motion** was made by Robert Munro to **approve** the reduction of the Financial Security Letter of Credit of \$ 188,307.02 by \$135,938.99 leaving a new balance of \$ 52,368.03. The motion passed (5-0).

**G. ACP Properties LLC Sedgewick WHTPC 13-2019
Location: Columbia Avenue**

Applicant has submitted agreements for execution and notarization.

- (i) Stormwater management Agreement
- (ii) Deferred Improvements Agreement
- (iii) Grant of Pedestrian Easement Agreement

Action Required

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** signing and notarization of the agreements. The motion passed (5-0).

H. Ruth WHTPC 12-2021

Major Storm Water Plan

Location: 4569 Fairview Road

Zoned: RA/RR

Lot Size: 2.1 Acres/ 91476.0 ft²

Applicant is proposing a single-family dwelling with associated improvements and stormwater facilities.

Any requested waivers or modifications were supplied the evening of the meeting.

Township Engineer and Staff were working on last minute details, and updated information was provided prior to meeting.

Randy Shearer, PE, Hartman & Associates, Camp Hill was present at tonight's meeting to answer any questions regarding the Plan on behalf of the applicant.

Action Required

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the Major Stormwater Plan with the condition that all outstanding comments are addressed to the satisfaction of the Township Engineer and staff. The motion passed (5-0).

VII. UNFINISHED BUSINESS

- A. Refuse Contract: Award Bid to Lowest Responsible Bidder – Andrew Stern referred to his memo dated September 30, 2021, and attached spreadsheet reporting on the Bid opening. The Township's incumbent, Republic, was the lowest bidder for the base bid and all alternates. Three options were available and discussed. Following discussion, **motion** was made by Edward Fisher and seconded by Kent Gardner to **award** the Refuse contract to Republic, Option 1 (Base Bid 1A): BASE BID, service to remain as it currently is. 2022: \$171.00; 2023: \$177.84; 2024: \$184.80. The motion passed (5-0).
- B. Adoption of 2021 Non-Uniformed Employee Handbook – **Motion** was made by Robert Munro and seconded by Kent Gardner to **adopt** the 2021 Non-Uniformed Employee Handbook with the addition discussed effective January 1, 2022. The motion passed (5-0).
- C. Sale of 2011 Crown Victoria to Highest Municibid Bidder. **Motion** was made by Kent Gardner and seconded by Robert Munro to **approve** the sale of the 2011 Crown Victoria to the highest Municibid bidder, Andy Warntz, for \$4,300. The motion passed (5-0).

VIII. NEW BUSINESS

- A. **2022 MMO: Acknowledge Receipt** – Andrew Stern referred to his memo dated September 16, 2021. **Motion** was made by Edward Fisher and seconded by Kent Gardner to *acknowledge receipt* of the MMO computations for the Corrected 2022 Uniformed and Non-Uniformed Pensions. The motion passed (5-0).
- B. **CDL Policy** – A draft Policy for CDL Drivers was reviewed and discussed. **Motion** was made by Kent Gardner and seconded by Robert Munro to *adopt* the West Hempfield Township Policy for CDL Drivers as submitted and discussed. The motion passed (5-0).
- C. **Concord Public Finance -**
 - 1. Proposal for Refinancing of Municipal Building – Andrew Stern provided a copy of the proposal of services and value added received from Concord Public Financial Advisors, Inc. in connection with the refinancing of the Township’s General Obligation Note. Following discussion, **motion** was made by Kent Gardner and seconded by Edward Fisher to *accept* the proposal from Concord Public Financial Advisors, Inc., to serve as financial advisor to the Township in connection with the financing of the Project as received and discussed. The motion passed (5-0).

IX. ORDINANCES, RESOLUTIONS, AND AGREEMENTS

- A. **Ordinance 5-21:** Authorizing the Incurrence of Debt – REMOVED FROM AGENDA
- B. **Ordinance 6-21:** Rezoning to R3&TV-SBCC & Forry, Ivy Drive – Action was taken after close of the Public Hearing earlier in the meeting to *postpone* Decision on the Hearing to the November 4, 2021 Board of Supervisors meeting.
- C. **Ordinance 7-21:** Sylvan View Traffic Control Devices
 - a. Greystone & Lancer Drives – **Motion** was made by Robert Munro and seconded by Kent Gardner to *adopt* Ordinance 7-21 to amend the Code of Ordinances of the Township of West Hempfield, Chapter 139, Vehicles and Traffic, to establish traffic regulations on Greystone Drive and Lancer Drive. The motion passed (5-0).
- D. **Resolution 12-21:** Sylvan View Street Adoption
 - a. Greystone & Lancer Drives – **Motion** was made by Edward Fisher and seconded by Kent Gardner to *adopt* Resolution 12-21 accepting Greystone Drive and Lancer Drive as part of the public road system of West Hempfield Township. The motion passed (5-0).
- E. **Ordinance 8-21:** Act 50 – Small Wireless Facilities. **Motion** was made by Robert Munro and seconded by Kent Gardner to *adopt* Ordinance 8-21 to amend the Code of Ordinances of West Hempfield Township, Chapter 126, Streets and Sidewalks, to add a new Article IV, Small Wireless Facilities Deployment. The motion passed (5-0).
- F. **Resolution 13-21:** Sewage Facilities Planning Module: Reichardt – **Motion** was made by Edward Fisher and seconded by Kent Gardner to *adopt* Resolution 13-21 Sewage Facilities Planning Module: Reichart. The motion passed (5-0).

G. **Agreement: Municipal Authority Agreement for Services – and - Agreement: Stormwater Fees from Municipal Authority.** Motion was made by Kent Gardner and seconded by Robert Munro to **adopt** Agreement: Municipal Authority Agreement for Services – and – Agreement: Stormwater Fees from Municipal Authority as reviewed and discussed. The motion passed (5-0).

X. APPROVAL OF PAYABLES - SEPTEMBER

PAYROLL & TAXES	\$ 218,515.53	EFT
FULTON - GENERAL FUND	\$ 296,193.22	3918 - 3956
FULTON - MS4	\$ 5,384.00	1048
FULTON - REFUSE	\$ 97,642.84	1123 - 1127
FULTON - STREET LIGHT	\$ 4,537.62	1047
FULTON - ESCROW	\$ 15,107.57	2049
FULTON - MUNICIPAL AUTHORITY	\$ 3,230.26	1
FULTON - STATE FUND	\$ 2,165.95	1220 - 1221
TOTAL	\$ 642,776.99	

Moved by Kent Gardner and seconded by Robert Munro to **approve** payment of all bills between September 1, 2021 and September 30, 2021, and any residuals that may be forthcoming. Motion carried (5-0)

- XI. GOOD OF THE ORDER - **Upcoming Meeting:** Thursday, November 4, 2021 Regular Mtg. (Special Day due to Election)
- XII. ADJOURNMENT INTO MUNICIPAL AUTHORITY MEETING – **Motion** was made by Robert Munro and seconded by Edward Fisher to **adjourn** the Board of Supervisors meeting into Municipal Authority Meeting at 9:45 p.m. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,
 Township Manager

