

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of November 4, 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; Assistant Director of Land Use Mandy Houck; Public Works Director Dale Getz; and Police Chief Lisa Layden were also physically present. Township Engineer Melissa Kelly and 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. APPROVAL OF MINUTES
 1. October 5, 2021 Regular Meeting - Robert Munro **moved**, seconded by Kent Gardner, to **approve** the October 5, 2021 Regular Meeting minutes as presented. The motion carried (5-0).
- III. COMMUNICATIONS
 - A. BOARD OF SUPERVISORS – None
 - B. TOWNSHIP MANAGER – Andrew Stern reviewed his written report and added the following:
 - Stony Battery Road – East Hempfield Township industrial projects are doing construction at 4:00 a.m. Five (5) more days are scheduled when they will be starting at 4:00 a.m. There is nothing West Hempfield Township can do but direct the angry residents to East Hempfield Township.
 - The Penn State Health System adopted the vaccine mandate two days ago and is the last of the area hospitals to do so. Mr. Stern has asked them to provide information as soon as possible on how that will affect EMS staffing which is already short and he is fearful that it be even more short. There is no back-up plan right now for EMS coverage in the Township and this is a concern.
 - There is a Green Light Go funding opportunity open. Mr. Stern was looking at Summit and Prospect Roads separately. Summit Road does not qualify. Mellissa Kelly will briefly cover this in relation to Prospect Road in her Engineer's Report.

INTERNAL MATTERS

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

OCTOBER	2019 YTD	2020 YTD	2021 YTD
EIT	1,912,334.15	1,916,207.57	2,039,214.80
LST	278,488.21	283,157.53	258,683.10
OTHER	7,229.19	3,950.05	1,740.76
NON-RESIDENT	<i>Not Yet Adopted</i>	8,081.91	21,506.76
TOTAL	2,198,051.55	2,211,397.06	2,321,145.42

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

2. **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. Work has since been completed at a cost of \$4,664.

EXTERNAL MATTERS

1. Nothing new to report at this time.

PERSONNEL

1. **Staffing.** Our part-time Zoning Admin Assistant is leaving us. We are interviewing for her replacement.
2. **Police Captain.** Interviews with the Chief and then myself will be occurring in November. We anticipate a promotion to occur at the December Board meeting.
3. **Arbitration.** We are on hold for two more arbitrations. I anticipate having agreements to resolve these on your December 7, 2021 agenda.

OUTSIDE BOARDS AND COMMITTEES

1. **CLC-COG:** Our next meeting will be November 24, 2021.
2. **LIMC:** Our next meeting will be December 9, 2021.

CORRESPONDENCE

1. **Hain Celestial.** We have received a letter from August Mack Environmental notifying us of their application to PA DEP for their required air quality permit for 3775 Hempland Road.

C. TREASURER’S REPORT – SEPTEMBER

General Fund	\$ 5,942,838.92
Refuse Fund	\$ 894,096.81
Street Light Fund	\$ 32,529.30
TDR Fund	\$ 744,076.99
State Liquid Fund	\$ 1,020,551.34
Police Pension Fund	\$ 8,739,166.87
Non-Uniform Pension Fund	\$ 3,010,075.86
Recreation	\$ 42,076.30
Highway	\$ 991,300.87
Health Care (HRA)	\$ 31,378.68
MS4 Stormwater	\$ 251,119.73
Fire Tax	\$ 129,350.93
Fire Hydrant	\$ 255,425.13
Mun Auth - Stormwater	\$ 219,927.24
TOTAL ALL FUNDS	\$ 22,303,914.97

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

Police – Chief Layden submitted a written report, and had nothing further to add to the report. She noted that speed detail on Stony Battery Road resulted in several citations in the 51-55 mph range. The speed limit is 35mph. Additional speed signs were added prior to this speed detail.

Public Works – Dale Getz reviewed his report and commented on the need to extend leaf collection.

Zoning/Land Use – Mandy Houck submitted Dwayne Steager’s written report and there were no questions.

Fire – There were no questions or comments for Mountville and West Hempfield Fire & Rescue.

EMS – Penn State Life Lion will be having some challenges ahead of them with staffing and we are hoping to have information from them at the next meeting.

E. TOWNSHIP ENGINEER’S REPORT – Melissa Kelly reviewed her written report and there were no questions. She provided a brief update on Green Light Go and requested authorization to proceed with the scoping portion of the application. She informed the Board that there is no commitment or penalty until the application is submitted. **Motion** was made by Robert Munro, seconded by Edward Fisher and unanimously carried (5-0) to **authorize** the Township Engineer to prepare the scoping portion of the Green Light Go application for a traffic light at Prospect Road and Columbia Avenue. Andrew Stern remarked the stormwater project is out to bid.

F. RESIDENTS: PUBLIC COMMENT ON NON-AGENDA ITEMS

Dave Steigauf, Westfield Drive, Landisville expressed concern regarding intense truck traffic southbound on Stony Battery Road, and a problem with flooding from water off of Stony Battern Road resulting in a massive lake in his front yard. The Township will look at it and will be doing some work in 2022 to prepare for the roadwork scheduled for 2023.

IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

BRIEFING ITEMS:

None

AGENDA ITEMS:

- A. **Ressler Lot Add-On WHTPC 13-2021(90 Days 12/02/2021)
Preliminary/Final Lot Add-On and Land Development Plan
Location: 3174 Grande Oak Place/1622 Stony Battery
Zoned: R1
Lot Size: 0.35 Acre/ 15,246.0 ft² and 1.84 Acres/ 80,150.4 ft²**

Applicant is proposing a change of the lot line between the two properties.

REQUESTED MODIFICATIONS

1. Sections 404.A.1, 405 – Plan Scale (*New request this submission*)

The applicant has requested a modification of the requirement to provide a plan at a scale of one inch equals 20 feet or one inch equals 50 feet. In the alternative, the applicant has provided a plan scale of one inch equals 30 feet.

The Township Engineer recommends approval of this modification request based on the justification and alternative provided.

William Swarnik, David Miller/Associates was present on behalf of the applicant to present the modifications and request approval.

Action Required

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the Request for Modification of Sections 404.A.1 and 405 per plan scale as outlined. The motion passed (5-0).
2. Sections 602.K.6, 602.M, 602.N – Existing Street Improvements, Curb, Sidewalk (*New request this submission*)

The applicant is requesting a waiver of the requirement to reconstruct Grande Oak Place and Stony Battery Road to its centerline with the justification that the proposed plan is a lot add-on only and no other improvements are proposed, existing roadways are in good condition, sidewalks do not exist along the frontages, Stony Battery Road has curbing and is a state road. No alternative is provided.

The Township Engineer recommends the Township **deny** the requests to waive the reconstruction of Grande Oak Place and Stony Battery Road to their centerlines, including providing curb and sidewalk, but allow the applicant to **defer** the 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 (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 Modification of Sections 602.K.6, 602.M, 602.N and **approve** a deferment of improvements until such time as the Township deems it necessary to do so. The motion passed (5-0).
- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the Preliminary/Final Lot Add-On and Land Development Plan for Ressler with the condition that all remaining comments be resolved to the satisfaction of the Township Engineer and staff. The motion carried (5-0).

B. Vriend WHTPC 14-2021
Major Storm Water Plan/Ag Alternate
Location: 4027 Garfield Road
Zoned: RA
Lot Size: 19.1 Acres/ 831996.0 ft²

The applicant is requesting the Township consider the following modification for this project. Allow the proposed barn and pool to be constructed under the requirements set forth in the West Hempfield Township SWMO Section 122-35.B.3 for a parent tract

containing not less than 20 acres, cumulative new impervious areas of 20,000 square feet or less if the minimum distance between the proposed impervious area and/or SWM Facility discharge point to the downslope property line of the parent tract is at least 250 feet.

We understand that a modification is required based on the requirements set forth in the West Hempfield Township SWMO 122-35.B.3 as stated above. The parent tract acreage is 19.27 acres, which is 0.73 acres less than the requirement of 20 acres. The proposed project meets the criteria in SWMO 122-35.C.

REQUESTED MODIFICATIONS

A. Section 122-35.B.3 – Minor Land Disturbance – Alternates to Stormwater Management Site Plan Processing.

The applicant has requested a modification of the requirement to allow the proposed pool and barn to be constructed on the property which is 19.27 acres.

The ordinance allows up to 20,000 square feet of impervious on properties of 20 acres if the minimum distance between the proposed impervious area to the downslope property line of the tract is at least 250 feet. The applicant meets this requirement. In addition, the property meets the criteria of Section 122-35.C , is only 0.73 acres less than 20 acre requirement and, in lieu of meeting the minimum area requirement, the applicant proposes to submit a Minor Stormwater Plan for the additional impervious area.

The Township Engineer recommends approval of this modification request based on the justification and alternative provided.

David Keener, Project Engineer, presented the request and Paul Vrind, Owner, was present to provide additional information and answer any questions.

Action Required

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve with conditions** the Requested Modification of Section 122-35.B.3 Stormwater Plan Processing with the understanding that some of the construction is within the floodplain and that must be taken into consideration with the final design. The motion passed (5-0).

V. UNFINISHED BUSINESS

- A. Sale of Crown Victoria – Offer to 2nd highest Municibid bidder OR Rebid. Following discussion, **motion** was made by Kent Gardner and seconded by Edward Fisher to **authorize rebid** of the Crown Victoria on Municibid as discussed. The motion passed (5-0).

- B. 2022 Budget: Remaining authorizations for December meeting. **Motion** was made by Robert Munro and seconded by Edward Fisher to **authorize advertising** the remaining 2022 tentative budget authorizations for the December 7, 2021 Board of Supervisors meeting. The motion passed (5-0).
- C. Purchase of Public Works Pickup Truck (Tabled from 10/29 & 11/4 mtgs.) Following discussion, **motion** was made by Robert Munro and seconded by Kent Gardner to **add \$50,000** to the Liquid Fuels Budget for the purchase of a Heavy Duty truck in 2022. The motion passed (5-0).

VI. NEW BUSINESS

- A. 2022 Hempfield RecCenter Park Maintenance Agreement. Following discussion, **motion** was made by Kent Gardner and seconded by Robert Munro to **approve** the agreement for the Hempfield RecCenter to take over Park Maintenance for a three-year period with the condition that installment payment amounts for 2023-2024 shall not exceed three percent (3%) increase over the sum due from the previous year. The motion passed (5-0).
- B. Stony Battery/ Marietta Traffic Signal Permit Application. Andrew Stern referred to his memo dated October 27, 2021. Following discussion, **motion** was made by Edward Fisher and seconded by Kent Gardner to **authorize** the Chair and/or Secretary to sign the PennDOT Traffic Signal Permit Application for East Hempfield Township for the intersection Stony Battery Road and Marietta Avenue to make changes to Stony Battery and Marietta traffic lights as part of their Centerville Road Project. The motion passed (5-0).
- C. Opioid Settlement, Authorization to Register Township – Andrew Stern referred to his memo dated October 27, 2021 and attached information received from the Commonwealth of Pennsylvania, Office of Attorney General. Following discussion, **motion** was made by Robert Munro and seconded by Kent Gardner to **authorize** registration of West Hempfield Township in the Opioid Settlement and formally sign on. The motion passed (5-0).

VII. ORDINANCES, RESOLUTIONS, AND AGREEMENTS

- A. Ordinance 6-21: Rezoning to R3&TV–SBCC & Forry, Ivy Drive
 - i. Tabled from October 5, 2021 meeting. Chairman Dumeyer reviewed the Ordinance and Andrew Stern explained the rezoning classifications.
 - **Motion** was made by Kent Gardner and seconded by Edward Fisher to **adopt** Ordinance 6-21. The vote was two “yes” (Gardner and Dumeyer) and two “no” (Fisher and Munro), with Naomi Martin not voting. Mr. Stern asked for clarification on Ms. Martin’s abstention, as the State Ethics Act (§1103.j) requires that an abstention due to a conflict must be recorded. Ms. Martin indicated that she did not have a conflict, then sought clarification on the vote, and then changed her vote to a yes vote. Motion thus carried 3-2.

- B. Ordinance 9-21: Refinancing Township Building – **Motion** was made by Kent Gardner and seconded by Robert Munro to **approve** Ordinance 9-21: Refinancing Township Building. The motion passed (5-0).
- C. Resolution 14-21: PennDOT Traffic Signal Maintenance Agreement. - **Motion** was made by Edward Fisher and seconded by Kent Gardner to **adopt** Resolution 14-21: PennDOT Traffic Signal Maintenance Agreement. The motion passed (4-1)
- D. Resolution 15-21: Creation of Account at ACNB for Stormwater Loan Proceeds. **Motion** was made by Robert Munro and seconded by Kent Gardner to **approve** creation of account at ACNB for stormwater loan proceeds. The motion passed (5-0).

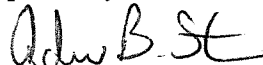
VIII. APPROVAL OF PAYABLES – OCTOBER

PAYROLL & TAXES	\$ 239,114.25	EFT
FULTON - GENERAL FUND	\$ 991,033.89	3957 - 4060
FULTON - MS4	\$ 23,725.79	1049 - 1050
FULTON - REFUSE	\$ 63,737.46	1128 - 1131
FULTON - STREET LIGHT	\$ 4,353.34	1048
FULTON - FIRE HYDRANT	\$ 28,834.96	1000
FULTON - FIRE TAX	\$ 54,500.00	1000 - 1001
FULTON - ESCROW	\$ 6,624.60	2050
FULTON - STATE FUND	\$ 6,943.84	1220 - 1221
TOTAL	\$ 1,418,868.13	1222 - 1229

Moved by Kent Gardner and seconded by Robert Munro to **approve** payment of all bills between October 1, 2021 and October 31, 2021, and any residuals that may be forth-coming. Motion carried (5-0).

- IX. GOOD OF THE ORDER - **UPCOMING MEETING:** Tuesday, December 7, 2021
Regular Meeting
- X. ADJOURNMENT INTO EXECUTIVE SESSION ON PERSONNEL MATTER TO FOLLOW. **Motion** was made by Robert Munro and seconded by Kent Gardner to **adjourn** the Board of Supervisors meeting into Executive Session at 8:50 p.m. to discuss a personnel matter. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,
Township Manager