

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING  
Minutes of December 7, 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. Also in attendance were Township Manager Andrew Stern; Director of Land Use Dwayne Steager; Public Works Director Dale Getz; Police Chief Lisa Layden; Township Solicitor Joselle Cleary; Township Engineer Melissa Kelly and a Court Reporter. 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 and Recognition of Pearl Harbor Remembrance Day.
- II. PUBLIC HEARING: Conditional Use #86: CBD, LLC, The Preserve at Silver Spring. Chairman Dumeyer opened the Hearing at 7:35 p.m., introducing the Board Members and identifying the Applicant and the Property, the Nature of the Request and a Statement of Procedure. Solicitor Cleary explained the procedure the Board of Supervisors will follow to conduct the Hearing. Director of Land Use/Zoning Officer Dwayne Steager was sworn in and testified to the proper advertising of the Hearing and posting of the property. There were no objections to those persons wishing to become Parties to the Hearing and they were sworn in upon **motion** by Edward fisher, second by Kent Gardner and unanimously carried by the Board to **allow** party status. A court reporter was present and the stenographic transcript will be the official record of the Hearing.

Chairman Dumeyer informed that the request is a bit unusual as the applicant is requesting to amend a prior Conditional Use approval from October 6, 2020. J. Dwight Yoder, Esq., Gibbel Kraybill & Hess LLP, Counsel for the Applicant, CBD, LLC, conducted the Hearing. Steve Gergely, Registered Architect and President, Harbor Engineering, was sworn in as a witness to provide an overview of changes to the plan that was previously approved. Also sworn in as witnesses testifying were Chad Hurst, Owner, CBD, LLC and Gerald Neil, Traffic Plan & Design.

Following comments and questions from the Board, Michael Mills, Rick Gochenauer, Jason Sauder and Andrew & Bridget Fritz expressed concerns regarding additional traffic, and asked for clarification on stormwater easement and flooding, emergency entrance, and sidewalks to the park. Township Manager Andrew Stern was sworn in as a Party on behalf of West Hempfield Township and clarified that Marietta Avenue is a State Highway and PennDOT will dictate. Following close of testimony and discussion, the Hearing was closed at 9:00 p.m. by **motion** of Kent Gardner, second by Robert Munro and unanimously carried by the Board (5-0).

**Motion** was made by Kent Gardner and seconded by Robert Munro to *deliver* a decision on Conditional Use #86, Preserve at Silver Spring at the Regular Board of Supervisors Meeting that will follow the Re-organizational meeting of January 3<sup>rd</sup>, 2022. The motion passed (5-0).

III. APPROVAL OF MINUTES

- A. October 29, 2021 Road Tour Meeting
- B. November 1, 2021 Budget Work Session Meeting
- C. November 4, 2021 Regular Meeting

**Moved** by Robert Munro and second by Edward Fisher to *approve* the Minutes of October 29, 2021 Road Tour Meeting; November 2021 Budget Work Session Meeting and November 4, 2021 Regular Meeting as presented. The motion carried (5-0).

IV. COMMUNICATIONS

- A. BOARD OF SUPERVISORS – None
- B. TOWNSHIP MANAGER – Andrew Stern reviewed his written report.

INTERNAL MATTERS

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

November	2019 YTD	2020 YTD	2021 YTD
EIT	2,283,562	2,296,340	2,464,703
LST	332,379	332,552	325,615
OTHER	7,778	4,094	2,117
NON-RESIDENT	<i>Not Yet Adopted</i>	13,339	32,854
<b>TOTAL</b>	<b>\$2,623,719</b>	<b>\$2,646,325</b>	<b>\$2,825,289</b>

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

2. **Tax Collector.** Bruce Weaver was elected and has declined to accept. As such, we will remain under the Lancaster County Tax Collector.
3. **Green Light Go Funding.** *Mr. Stern remarked that this funding opportunity has become more difficult.* At the November meeting, the Board authorized us to proceed with the scoping portion of this funding opportunity for possible traffic light upgrades at Prospect and 462. Since then, PennDot has suggested several very costly items they would like to see, including flashing yellow turn signals, upgraded controls, fiber optic interconnects, etc. Our engineer will be reaching out to discuss these items with PennDot before proceeding.
4. **Reorg Appointments.** For the January 3, 2022 reorganizational meeting, you will be asked to make appointments for the PC and ZHB. For the PC, terms for John Rodman and James Stuckey are expiring – both have agreed to serve another term if the Board decides to

reappoint them. For the ZHB, the term for Carl Manelius is expiring – he has agreed to serve again if the Board decides to reappoint him. Please let me know if you have any other nominations.

5. **Worker’s Comp.** The Township has been recognized by the Susquehanna Municipal Trust for “NO LOST TIME” for workplace injury claims in 2020.
6. **Police Post Retirement.** Attached you will find the January 1, 2021 actuarial valuation for GASB 75 – post retirement health for police. Our estimated liability is \$3,668,441. As you are aware, we are not currently required to fund post-retirement health. We pay for this benefit on an annual basis, as most municipalities do. However, it is a concern of mine as our annual costs will continue to grow as more officers retire. *Mr. Stern asked the Board to review the GASB75 Report.*
7. **Hempfield Rec Board.** Ed Fisher’s term is expiring. Please think about who should fill this spot, unless Ed decides to serve another term.
8. **COVID.** With the potential risk of yet another variant, I have directed our Department Directors to make sure they remain prepared to return to 2020 operations, IF IT BECOMES NECESSARY. Obviously, we hope it won’t, but we need to stay prepared nonetheless.
9. **Woody Waste.** On August 11, 2021, the Board approved a motion:

*Card Access System for Woody Waste Site: Moved by Kent Gardner, second by Edward Fisher and carried (5-0) to approve purchase of Card Access System for Woody Waste site from a vendor to be determined in accordance with the Township Purchasing Policy, through COSTARS, not to exceed \$50,000.*

Dale and I have solicited COSTARS proposals from several companies, including Security Fence, ESCO, 3T, and Berkshire Systems. We have come to the conclusion that the Security Fence proposal is the best for the price and would involve one vendor doing the entire job (other proposals had at least one sub). Security Fence’s proposal is \$ 30,555.00, well below the \$50,000 approved by the Board and within the DEP grant budget. The system includes two NDAA compliant cameras. The proposal also includes out first 3,000 prox cards for our residents.

Unless the Board objects, we will be approving this proposal immediately following the meeting with hopes of having this up and running in time for the 2022 woody waste season. We will need to return to the Board with a policy regarding the issuance of cards and associated fees (card deposit, annual fee, etc.).

10. **Goals.** During the Budget process, I provided my goals for 2022. Mr. Dumeyer has requested that I seek Board member goals as well. What are your goals and/or priorities for 2022 as a Board?

**EXTERNAL MATTERS**

1. Nothing new to report at this time.

**PERSONNEL**

1. **Staffing.** Jenn German has joined us as a part time Administrative Assistant for Land Use, replacing Jaymi.
2. **Staffing.** We are now 100% staffed again!
3. **Presentation.** I will be a panel presenter at the Center for Water Quality Excellence on December 8, 2021.
4. **Police Captain.** Interviews have taken place. I anticipate a promotion prior to, or at, the January Board meeting.

**OUTSIDE BOARDS AND COMMITTEES**

1. **CLC-COG:** We met on November 24, 2021. We will be suspending meetings until further notice as all CLC COG municipalities are now back in the LIMC.
2. **LIMC:** Our next meeting will be December 8, 2021, 7:30 am, at Lancaster Township.

**CORRESPONDENCE**

1. **LASA.** A letter has been received stating that Mr. Fisher's term on the LASA Board is expiring. The letter also points out the significant contributions Mr. Fisher has made to LASA.
2. **Lancaster Public Library.** A thank you letter has been received in response to our annual contribution.
3. **Susquehanna Municipal Trust.** The Township has been recognized for "NO LOST TIME" for workplace injury claims in 2020.
4. **Hempfield RecCenter.** A thank you letter has been received for our contribution to their 2021 golf outing fundraiser.

C. TREASURER’S REPORT

General Fund	\$ 5,098,180.80
Refuse Fund	\$ 909,787.99
Street Light Fund	\$ 28,683.53
TDR Fund	\$ 744,100.34
State Liquid Fund	\$ 1,013,621.47
Police Pension Fund	\$ 9,333,778.00
Non-Uniform Pension Fund	\$ 3,166,596.11
Recreation	\$ 42,077.79
Highway	\$ 991,335.98
Health Care (HRA)	\$ 29,944.32
MS4 Stormwater	\$ 251,119.73
Fire Tax	\$ 76,267.99
Fire Hydrant	\$ 228,083.60
Mun Auth - Stormwater	\$ 219,927.24
<b>TOTAL ALL FUNDS</b>	<b>\$ 22,133,504.89</b>

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.

Public Works – Dale Getz reviewed his report

Zoning/Land Use – A written report was submitted and there were no comments or questions.

Fire – There were no questions or comments on the reports submitted.

EMS – Penn State Life Lion will be having some challenges ahead of them and we are hoping to have information from them soon.

E. TOWNSHIP ENGINEER’S REPORT – Melissa Kelly reviewed her written report and there were no comments or questions.

F. RESIDENTS: PUBLIC COMMENT ON NON-AGENDA ITEMS

- Mark Smith, Sycamore Road – Expressed concern regarding 620 Sycamore Road development contaminants in the soil.

- Edward Russo, Pitney Road – Expressed concern with contaminated soil in the Sycamore Project. He also questioned completion of the foot path that goes down to the lake.

V. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

Dwayne Steager provided the following information at the beginning of his monthly report:

*“In the past, my SALDO memo identified projects as either **BRIEFING** or **ACTION**. With the recent passage of Pennsylvania Act 65, I am no longer identifying projects in this manner. They will simply be agenda items. In my recommendations below, I will suggest whether they are ready for action or not. By identifying them as **BRIEFING**, Act 65 may prevent you from acting on the plan even if an applicant requests it and it is ready by the meeting time”.*

- A. **4320 Marietta Ave. WHTPC 9-2021**  
**Stormwater Management Plan**  
**Location: 4320 Marietta Avenue**  
**Zoned: RA**  
**Lot Size: 6.89 Acre/ 300,128.4 ft<sup>2</sup>**

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

**REQUESTED WAIVERS**

- A Section 122-48.A.2.c – Loading Ratio (New Request This Submission)

The applicant has requested a waiver of the requirement to provide the infiltration facility with a maximum 3:1 impervious area to infiltration area loading ratio and, in the alternative, provide a 4.43:1 loading ratio for the facility.

The Township Engineer recommends approval of this waiver based upon the justification and alternative provided.

Randy Dautrich, Dautrich Engineering was present to answer any questions or provide additional information.

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Kent Gardner **to approve** the Requested Waiver of Section 122-48.A.2.c with the condition that the applicant add an additional breaker in the driveway. The motion passed (5-0).

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the Stormwater Management Plan for 4320 Marietta Avenue with the condition that all comments be completed to the satisfaction of Township Staff and Township Engineer. The motion passed (5-0).

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

Applicant has requested a release of Financial Security

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

Original Amount      \$ 523,680.30  
Previous Reductions   \$ 471,312.27  
Outstanding Balance   \$ 52,368.03  
(prior to this requested reduction)

Based on a review of the documentation, the Township Engineer recommends release of the remaining financial security for Phase 3 of the Sylvan View project, in the amount of **\$52,368.03**, not including any increase that may have automatically occurred on the anniversary date of the financial security.

**Action Required**

- **Motion** was made by Robert Munro and seconded by Kent Gardner to **grant** the release of the Financial Security Letter of Credit #D007370 of \$ 52,368.03 leaving a new balance of \$0.00. The motion passed (5-0).

VI. UNFINISHED BUSINESS

- A Ratify purchase of new 2022 Chevrolet 2500, Bob Fisher Chevy via COSTARS, \$36,495.
- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **ratify** purchase of new 2022 Chevrolet 2599m /Bob Fisher Chevy via COSTARS, \$36,495. The motion passed (5-0).
- B Sale of 2011 Crown Victoria to Highest Muncibid Bidder.
- **Motion** wa made by Robert Munro and seconded by Kent Gardner to **award** sale of 2011 Crown Victoria to Highest Muncibid Bidder. If the sale falls through, it will be used as a trade for the police car. The motion passed (5-0).
- C Farmdale/Ferndale Stormwater Project – Andrew Stern explained the three options

and recommended approving Option (i).

- i. Award contract to lowest responsible bidder, Doli Construction Company, Base \$1,383,766
- ii. Consider Alternate Bid #1, for an additional \$48,250
- iii. Consider Alternate Bid #2, for additional \$57,620

**Motion** was made by Robert Munro and seconded by Kent Gardner to *award* the contract for the Farndale/Ferndale Stormwater Project to the lowest responsible bidder, Doli Construction Company, Base \$1,383,766 as well as Alternate Bid #1, for an additional \$48,250, totalling \$1,432,016.00. The motion passed (5-0).

## VII. NEW BUSINESS

### A. Bertz & Hess 2021 Audit Proposal

- **Motion** was made by Kent Gardner and seconded by Robert Munro to *engage* Bertz & Hess for the 2021 Audit. The motion passed (5-0).

### B. Prospect at Ironville: Authorize Solicitor to assist with acquisition of additional Right-of-Way for the relocation of the existing utility pole. Andrew Stern referred to his memo dated November 30, 2021 regarding relocation of the utility pole and the possible necessity of additional ROW.

- **Motion** was made by Kent Gardner and seconded by Robert Munro to *authorize* the Township Solicitor to assist with acquisition of additional Right-of-Way for the relocation of the existing utility pole if necessary. The motion passed (5-0).

### C. Authorize sale of 2008 Chevy Colorado via Municibid (upon delivery of new Chevy 2500 truck)

- **Motion** was made by Robert Munro and seconded by Kent Gardner to *authorize* the sale of the 2008 Chevy Colorado via Municibid (upon delivery of the new Chevy 2500 truck). The motion passed (5-0).

### D. Authorize sale of 2003 GMC 2500 via Municibid

- **Motion** was made by Robert Munro and seconded by Kent Gardner to *authorize* the sale of the 2003 GMC 2500 via Municibid. The motion passed (5-0).

### E. Hempfield RecCenter Annual Tri for Life Triathlon, May 1, 2022

- **Motion** was made by Robert Munro and seconded by Kent Gardner to *approve* use of Township Roads for the Hempfield RecCenter Annual Tri for Life Triathlon, Sunday, May 1, 2022 as requested. The motion passed (5-0).



VIII. ORDINANCES, RESOLUTIONS, AND AGREEMENTS

A Ordinance 10-21: Hempland Road and Continental Road Speed Limits

- **Motion** was made by Kent Gardner and seconded by Robert Munro to **adopt** Ordinance 20-21: Hempland Road and Continental Road Speed Limits. The motion passed (5-0).

B Resolution 16-21: 2022 Tax Rates.

- **Motion** was made by Kent Gardner and seconded by Robert Munro to **adopt** Resolution 16-21: 2022 Tax Rates. The motion passed (5-0).

C Resolution 17-21: 2022 Budget

- **Motion** was made by Kent Gardner and seconded by Robert Munro to **adopt** Resolution 17-21: 2022 Budget. The motion passed (5-0).

D Grievance Agreement: Rimolo

- **Motion** was made by Kent Gardner and seconded by Robert Munro to **ratify** removal of document from office employment file. The motion passed (5-0).

E Grievance Agreement: Hollis (and COVID Time MOU)

- **Motion** was made by Kent Gardner and seconded by Robert Munro to **accept** Grievance Settlement Agreement and **approve** MOU extending COVID hours retroactively. The motion passed (5-0).

IX. APPROVAL OF PAYABLES - NOVEMBER

PAYROLL & TAXES	\$ 239,114.25	EFT
FULTON - GENERAL FUND	\$ 730,983.26	4061 - 4146
FULTON - MS4	\$ 12,961.49	1051 - 1053
FULTON - REFUSE	\$ 99,842.70	1132 - 1138
FULTON - STREET LIGHT	\$ 4,387.33	1049
FULTON - ESCROW	\$ 8,291.30	2051
FULTON - STATE FUND	\$ 17,981.20	1230 - 1236
FULTON - MUNICIPAL AUTHORITY	\$ 54.00	2
<b>TOTAL</b>	<b>\$ 1,113,615.53</b>	

West Hempfield Board of Supervisors  
December 7, 2021

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

X. GOOD OF THE ORDER

**UPCOMING MEETING: MONDAY, JANUARY 3, 2022: Organizational & Regular Meeting beginning at 7:30 P.M.**

XI. ADJOURNMENT

- **Motion** was made by Robert Munro and seconded by Kent Gardner to *adjourn* into Municipal Authority meeting at 10:05 p.m. with Executive Session on a Police Personnel matter to follow. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,  
Township Manager

