

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of March 2, 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, Chief of Police Lisa Layden, Township Solicitor Joselle Cleary and a Court Reporter 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. CONDITIONAL USE #84: SILVER SPRING RESTAURANT AND APARTMENTS
 - A. Public Hearing (Continued from January 4, 2021 and February 2, 2021)

Chairman Dumeyer reconvened the Hearing at 8:33 p.m. It was begun on January 4, 2021, at which time a fair amount of information was received from Mr. Ostrowski. The Hearing was to be continued to February 2, 2021; however, at the request of the Applicant, the Hearing was held over until March 2, 2021. All participants were previously sworn in and remain under oath and the Applicant has elected to proceed with the Conditional Use Hearing with counsel – Attorney Stacey Brubaker. Three witnesses were present: Randy Hess, Hess Home Builders, to present visuals for the two multi-family buildings; Edward Ostrowski, Sr. Project Manager, ELA Group, Inc., to provide brief testimony to clarify a few issues; and George Agadis, Property Owner, to provide a very brief presentation on why this project is important to him.

Mr. Ostrowski completed his cross-examination and addressed questions about rubbish and parking that were raised during the last session. General questions raised by Mr. Fisher at the previous session were also addressed and Parties Tom Culton and Daneen Kemple had no further questions or comments. After all testimony was heard, three conditions were marked, added to the exhibits and entered into the record. A court stenographer was present to record testimony and the stenographic transcript will be the official record of the Hearing.

Motion was made by Kent Gardner and seconded by Robert Munro to *close* Conditional Use #84: Silver Spring Restaurant and Apartments at 8:27 p.m. The motion passed (5-0).

Motion was made by Kent Gardner and seconded by Robert Munro to *deliver* the Decision for Conditional Use #84: Silver Spring Restaurant and Apartments at the next Board of Supervisors monthly meeting scheduled to be held April 6, 2021. The motion passed (5-0).

Mr. Agadis thanked the Board and stated the whole process has been a learning experience for him.

Following a brief recess, the regular monthly Board of Supervisors meeting reconvened at 8:30 p.m.

III. APPROVAL OF MINUTES - Kent Gardner **moved**, seconded by Robert Munro, to **approve** the February 2, 2021 Regular Meeting minutes as presented. Motion carried (5-0).

IV. COMMUNICATIONS

A. BOARD OF SUPERVISORS –Edward Fisher thanked the road crew for all their work during the storms.

B. TOWNSHIP MANAGER – Andrew Stern reviewed his monthly Manager’s Report and specifically addressed the following:

- **Snow Comments** –More complaints have been received regarding mailboxes being damaged by snow plows than in previous years. Mr. Stern has reviewed policies of other municipalities and asked the Board to consider establishing a policy. The Board concurred. ***A Resolution will be placed on the next meeting agenda.***
- **Revenues** – Item #1 - February distributions from LCTCB are included.
- **Ten Year Budget** - Mr. Stern requested that the Board review the documents he provided and consider holding a special work session meeting to begin discussing development of long-term strategies for income and expenses.
- **Drug Task Force** – An ongoing long-term funding solution has not been resolved; however, they do have a short-term plan. ***Mr. Stern is awaiting Board authorization to send a check for the Township’s budgeted \$1/Capita contribution.***
- **Insurance** – The switch to KIG/EMC resulted in 40% savings for auto and liability coverage – PLUS – dividends of \$10,456.95 have been received for the first year.
- **Refuse Contract** – Ideas for the upcoming bid, including changes to opt-outs to allow a one-time opt-out prior to the start of the next contract (1/1/2022), and a senior discount were discussed. ***A Draft Ordinance regulating Opt-Outs will be advertised and scheduled on the next Supervisors meeting agenda.*** Communication/explanation of changes will also be on the Township’s web site; published in the Township Newsletter; notice included with trash bills; and by letter to those residents who have opted out and do not receive a trash bill. All trash must be picked up on the same day as scheduled for the Township service, including for those residents who prefer to opt out and engage a private company.
- **TDR’s** – Mr. Stern provided updates regarding the three farms discussed at last month’s meeting . . . One has no interest at all; one is not interested at this time; and one has timing issues relating to taxes. He offered an alternate suggestion involving Reverse TDR’s and briefly explained. The Board

concurred with pursuing the option with Counsel and requested that Mr. Stern *provide further information regarding reverse TDR's and a draft amendment to the Ordinance.*

- **Stony Battery@Marietta** – East Hempfield Township is putting together some sketches for intersection improvement and they will be shared at a future meeting. In conjunction with PennDOT's work on Centerville Road: (1) PennDOT will start construction n to increase the number of lanes next year; (2) Concerns regarding lack of site distance, northbound left turn; and (3) queueing links are not long enough to handle increased truck and vehicle traffic. None of the intersection improvements are part of the PennDOT Centerville project and a round-a-bout is still under consideration.
- **Municipal Authority/Stormwater Fee** – No meeting is scheduled for this month. We are still on track and staff is preparing public educational materials and working with finance on billing.

INTERNAL MATTERS

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

February	2019 YTD	2020 YTD	2021 YTD
EIT	\$493,318	\$ 496,185	\$541,562
LST	\$67,389	\$71,577	\$106,695
OTHER	\$1,060	\$1,721	\$364
NON-RESIDENT	<i>Not Yet Adopted</i>	\$114	\$6,748

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

2. **Ten Year Budget.** One of my goals for 2021 was to create a long-term budget to foster discussions about the Township's future economic status.

I have provided a DRAFT ten-year general fund budget, both revenues and expenses. Obviously, the further we go out in time, the less predictable our budget becomes. Never-the-less, this DRAFT budget shows significant concern starting in about 2027. Significant anticipated expenses affecting the 2027 and later projections include:

- Police Pension MMO costs
- Police Post-Retirement Healthcare
- Healthcare – current employees

I would suggest the Board review these documents and consider holding a special work session meeting later this year to begin discussing long-term strategies to either increase revenue or stabilize/reduce expenses.

3. **Drug Task Force.** District Attorney Heather Adams joined our LIMC meeting in February to discuss the Drug Task Force. DRAFT LIMC minutes are attached which summarize her comments. The Township has budgeted for a \$1/capita contribution, but we have not yet sent a check as we are awaiting authorization from the Board. I have pointed out to the County that the Township contributes over \$50,000 of non-reimbursed expenses by contributing an officer to the DTF (we are reimbursed for salary only, not benefits).
4. **Insurance.** For 2020 we had switched from EHD/Travelers to KIG/EMC and saved nearly 40% of our insurance cost for auto and liability coverage. In addition, we became eligible for dividends. On February 24 we were presented a check for \$10,456.95 from EMC insurance for our first year! This money was not a budgeted revenue as we had no guarantee we would receive it.
5. **Refuse Contract.** We have been in discussion with Republic and LCSWMA about ideas to increase service and decrease (or hold) costs. We have also met with PennWaste to get a few ideas of what works well in the municipalities they serve. Attached is a list so far of ideas to be incorporated in our upcoming bid.
 - a. I have had Josele prepared a draft ordinance regulating opt-outs for the upcoming contract. If the Board is acceptable to this concept I can advertise for an upcoming meeting.
 - b. I am seeking feedback from the Board of the idea of offering a senior discount. Eligible seniors would receive a half-size toter and would be charged a lesser amount. This is common in a few other municipalities. Extending the discount and smaller toters to others would create administrative issues and increased cost for our full pay customers.
6. **TDR's.** Since our last Board meeting I have had a following up discussion with Matt Knepper, Director of the Ag Preserve Board. Of the three farms we discussed last month, two are not yet decided if they wish to proceed. One is interested but the timing is not right (tax code reasons). As such, we may not be able to obtain TDR's for some time to come.
7. **Stony Battery @ Marietta.** On February 26 Dave Dumeyer and I are meeting with Scott Russell (EHT BOS Chair) and Cindy Schweitzer (EHT Manager) to discuss intersection concept plans they are working on. As I currently understand it, improvements would not be for some distant time in the future.

EXTERNAL MATTERS

1. **LCPC.** I attended a Places2040 Implementation Workshop on February 23 for the Metro area. Dwayne will be attending a similar meeting for the Northwest area. The topic for this round was Rural Special Districts and Rural Residential Development. I have attached handouts from the meeting.

MUNICIPAL AUTHORITY

1. **No need for a meeting in March!** Staff is working to prepare bills and public education materials.

PERSONNEL

1. **Staffing.** At the time of this memo, we are fully staffed with no employees ill or in quarantine. We continue to have ZERO positive COVID cases attributed to the workplace.
2. **COVID.** Vaccinations have begun. At this time about half of our employees have been vaccinated (first dose) and should have their second doses by the first week of March. In accordance with CDC guidelines, employees who are vaccinated will not be subject to quarantine from 14 days after their second dose until 90 days after their second dose. We are hoping the quarantine exemption period will be extended further at some point soon.
3. **Part-Time Zoning Position.** We have hired Jaymi Stehman as our Part Time Zoning Administrative Assistant. She began February 3 and has been an excellent addition to our staff.
4. **Officer Small.** Officer Small has entered the DROP retirement program with a last day of March 31, 2024.
5. **MS4 Forum.** On February 17 and 18, the MS4 Forum for South Central PA was held virtually through DEP and other partners. On February 17, our Public Works employees were able to participate. On February 18 Dwayne and I presented a session on our Murry Park stormwater project.

OUTSIDE BOARDS AND COMMITTEES

1. **LIMC.** LIMC met on February 10, 2021, here at WHT and via Zoom. LIMC will hold its next regular meeting April 14 (most likely at West Hempfield and virtual). We may also have a special meeting March 10 with LCPC and EDC to discuss a water/sewer study currently underway.
2. **CLC.** CLC COG will meet again on March 24 at 8:30 am at Manheim Township. At their January 27 meeting I was elected Vice-Chair.

CORRESPONDENCE

1. **Exelon Generation.** A letter has been received notifying us of regulated storage tanks at Three Mile Island (upstream on Susquehanna).
2. **Defense Logistics Agency.** A letter has been received notifying us of regulated storage tanks at DLA in New Cumberland (upstream on Susquehanna).

C. TREASURER'S REPORT – JANUARY 2021

General Fund	\$ 3,895,796.43
Refuse Fund	\$ 734,325.55
Street Light Fund	\$ 14,322.49
TDR Fund	\$ 623,892.60
State Liquid Fund	\$ 981,304.36
Police Pension Fund	\$ 8,647,740.19
Non-Uniform Pension Fund	\$ 2,955,979.19
Recreation	\$ 42,064.09
Highway	\$ 991,012.94
Health Care (HRA)	\$ 40,754.09
MS4 Stormwater Fund	\$ 172,312.55
Total All Funds	\$ 19,099,504.48

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

Police: Chief Layden had nothing significant to add to her written report other than the spike in the number of crashes for the month of February were weather related due to the storms we were having. She prepared and submitted policies in reference to ‘Use of Force’ to the Chief of Police Association. The certification letter has been received back stating the standards have been met and we are certified and eligible for any discretionary federal grants if they would come up.

Public Works: Dale Getz reviewed his written report. The new John Deere backhoe was delivered this week.

Zoning/Land Use: Dwayne Steager reviewed his written report and noted that the new part-time zoning employee, Jaymi Stehman is doing great.

Fire: December and January reports were received from West Hempfield Fire & Rescue. Barry Waltz was present remotely via zoom and had nothing further to report.

EMS: No Report.

E. TOWNSHIP ENGINEER’S REPORT – Melissa Kelly submitted a written report for February. Andrew Stern reported efforts are continuing on numerous grants and the stormwater fee study. Also, the Roller Miller Dam project for West Hempfield/East Hempfield/Rapho Township has surfaced and Rettew is wrapping that up.

F. RESIDENTS - None

V. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

BRIEFING ITEMS:

None

AGENDA ITEMS:

**A. Donnerville Road Project/Terex
Electronics Way LLC
180 N. Donnerville Road
Financial Security Reduction No. 2**

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	\$ 171,284.30
Previous Reductions	\$ 154,155.87
Outstanding Balance	\$ 17,128.43

Based on a site visit and a review of the documentation, the Township Engineer has recommended a full release of the financial security in the amount of \$17,128.43.

Action Required:

Motion was made by Edward Fisher and seconded by Robert Munro to *approve* a full release of the financial security of \$17,128.43. 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).

**B. Burger King/Turkey Hill
Plan Discussion
Location: 3545 Marietta Ave.
Zoned: TV
Lot Size: 1.8 Acres/ 78408 ft²**

The applicant is proposing an adaptive reuse of the former Fulton Bank property at the Silver Spring Turkey Hill and is asking for comments and input on planning/design items. Andrew Stern provided background and introduced Matthew J. Mack, Mack Engineering, Inc. who reported on previous meetings with staff to discuss the Plan. He reviewed the issues that were raised during these meetings using overhead visuals to explain improvements made to address them and answer comments and questions raised by the Board. Mr. Mack thanked the Board for their time and opinion of the new ideas which he will take back to the client before they continue on.

**C. Conditional Use #85
Millfield Construction
Marietta Avenue at Bridge Valley Road**

This property was recently rezoned by the Board of Supervisors. The applicant's next step is to seek Conditional Use approval for "Development under the open space design option."

Action Required:

Motion was made by Robert Munro and seconded by Kent Gardner to *forward* to the West Hempfield Township Planning Commission for review. The motion passed (5-0).

Motion was made by Robert Munro and seconded by Kent Gardner to *schedule* a Public Hearing for Millfield Greene for April 6, 2021 at 7:30 p.m. The motion passed (5-0).

VI. UNFINISHED BUSINESS – None

VII. NEW BUSINESS

A. Paving/Sealcoating, Award Contract to Lowest Responsible Bidder. Andrew Stern provided a memo and bid tab sheets. Only one bid was received for Sealcoating - Martin Paving in the amount of \$153,747.00. Low bidder for paving was Allan Myers in the amount of \$228,556.74. Staff is recommending approval of both bids. Mr. Stern confirmed that both requests for bids were advertised in the Lancaster Newspaper.

Motion was made by Edward Fisher and seconded by Kent Gardner to *award* the contract for sealcoating in the amount of \$153,747.00 to Martin Paving and to *award* the contract for paving in the amount of \$228,556.74 to Allan Myers, conditioned upon full review of all submitted documents to ensure compliance with the bidding requirements. The motion passed (5-0).

B. Police Captain Position

1. Authorize Creation of Position

2. Authorize negotiation of pay and schedule with Association

Andrew Stern referred to his memo dated February 25, 2021 and Chief Layden stated the purpose of creating this position is to create a more hierarchical structure to have a more proper chain of command. After discussion, the following actions were taken:

Moved by Kent Fisher and seconded by Edward Fisher to *authorize* creation of the position of police captain. The motion passed (5-0).

Moved by Kent Gardner and seconded by Robert Munro to *authorize* negotiation of the pay rate and schedule for the position of police captain with the Chief of Police Association. The motion passed (5-0).

C. The Rodgers Group, Police Consulting, \$23,500. **Moved** by Robert Munro and seconded by Kent Gardner to *enter into agreement* with The Rodgers Group, LLC for consulting services to assist the West Hempfield Police Department in attaining PLEAC accreditation and/or developing a customized agency policy manual for a fee of \$23,500 under Option “B” as presented and discussed. The motion passed (5-0).

D. Schedule Spring 2021 Road Tour. Following discussion, April 20, 2021 was unanimously selected as the date for scheduling the Spring 2021 Road Tour, beginning at 8:00 a.m. Method of transportation will be determined closer to the date of the tour.

VIII. ORDINANCES AND RESOLUTIONS – None

IX. APPROVAL OF PAYABLES – FEBRUARY 2021

FUND	AMOUNT	CHECK #'S
PAYROLL & TAXES	\$ 223,540.06	EFT
FULTON - GENERAL FUND	\$ 269,706.66	3191 - 3308
FULTON - MS4	\$ 11,738.75	1038
FULTON - REFUSE	\$ 92,347.06	1096 - 1097
FULTON - STREET LIGHT	\$ 4,616.44	1038
FULTON - ESCROW	\$ 13,221.00	2036 - 2037
FULTON - STATE FUND	\$ 19,497.12	1173 - 1178
Total	\$ 634,667.09	

Moved by Kent Gardner and seconded by Robert Munro to *approve* payment of all bills between February 1, 2021 and February 28, 2021, and any residuals that may be forthcoming. Motion carried (5-0).

X. GOOD OF THE ORDER: **UPCOMING MEETING:** April 6, 2021 Regular Meeting

XI. ADJOURNMENT

West Hempfield Board of Supervisors
March 2, 2021

Chairman Dumeyer entertained a motion to adjourn the Board of Supervisors regular meeting at 10:07 p.m.

Moved by Kent Gardner and seconded by Robert Munro to **adjourn** the Board of Supervisors regular meeting at 10:07 p.m. Motion unanimously carried (5-0).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Stern". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Stern,
Township Manager