

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of June 1, 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 Zoning Officer Maria McDonald, Public Works Director Dale Getz and Chief of Police 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. Following the Pledge, Mr. Dumeyer reported the Board of Supervisors held an Executive Session on a personnel matter prior to this evening's meeting.

- II. SAVE CEREMONY, SUSQUEHANNA VALLEY EMS – Chairman Dumeyer recognized the presence of Commissioner Josh Parsons and thanked him for being on hand. Adam Martin, Operations Manager for the Susquehanna Valley EMS, began by thanking the Board of Supervisors for allowing him to conduct this ceremony recognizing the firefighters, police and those who responded to the emergency experienced by Mr. Dan Forry during a Board of Supervisors meeting on May 4, 2021.

Mr. Martin described the difference between a heart attack and cardiac arrest and provided statistics related to each. He informed that The American Heart Association's Chain of Survival consists of early recognition and calling 911, early defibrillation, advanced life support and integrated post cardiac arrest care.

Mr. Forry was found to be in cardiac arrest after speaking publicly and a sudden loss of consciousness. With the quick action by two firefighters, Chief Dean Gantz, Jr. (Mountville FD) and Deputy Chief Barry Carter (WHFR), Police Officers, and others, CPR was initiated. Advanced life support treatment was initiated and CPR was continued. Mr. Forry was defibrillated for a second time and a pulse was detected. Enroute to the hospital, Mr. Forry was able to follow commands and complained that his back hurt.

Mr. Martin stated the American Heart Association's Chain of Survival fell perfectly in place in this meeting room a month ago and reported that Mr. Forry was successfully discharged from the hospital after being there only three days and is doing well.

The following were then recognized and awarded Life Saving Awards: Chief Dean Gantz, Jr., Deputy Chief Barry Carter, Chief Eric Bachman, Chief Duane Kline, Chief Phil Wright, Lt. Teddy Moyer, Firefighter Derick Eby and Susquehanna Valley EMS EMT Jeremy Rodriguez. West Hempfield Township Police Chief Lisa Layden accepted awards for Corporal James Gardill and Sergeant Christopher Kunkle.

Chairman Dumeyer and Commissioner Parsons then came forward to say a few words.

Chairman Dumeyer thanked Mr. Martin for being here to recognize those who were helpful in reviving and responding to cardiac arrest. The Board was horrified at the cardiac event and is blessed to have firefighters, police, and others who came to their assistance. He appreciates the fact that their efforts are being recognized and, on behalf of the Board, thanked them again. He believes that it proves when sometimes things happen during a public meeting there is a better chance of survival.

Commissioner Parsons thanked Chairman Dumeyer and the Board for having this ceremony and thanked Mr. Martin for reaching out, stating that it's always in the interest of Lancaster County to recognize when things happen. He spoke with Mr. Forry and he thinks things happen for a reason and what happened, happened in a public meeting where there were great First Responders. Commissioner Parsons appreciates all that and the great training that paid off, and wished to express his thanks and the thanks of the Board of Commissioners of Lancaster County.

Mr. Forry and his family were present for tonight's ceremony. A member of the family read the most sincere thanks to the first responders of West Hempfield Fire & Rescue, West Hempfield Police Department, Susquehanna EMS, Mountville Fire Company, Township Staff and many others who worked to save Dan Forry's life. Words cannot express how grateful they are from the first person to notice to the doctors who performed surgery. It is clear that Dan Forry would not have made it into or out of the hospital alive without all the work everyone did. Their vigilance and willingness to serve deserve to be recognized more often and the Forry family thanks God and are praying for all of you.

Dan Forry then personally thanked all those who participated and helped. He said he started to feel light-headed to bumping along the road in an ambulance and with the Good Lord and these people that were involved here this evening, he was out of the hospital in three days. The only thing he has at this point are some sore ribs and he plans to exit this meeting on his feet this time. Mr. Forry then again thanked each and everyone very much.

III. ORDINANCE 3-21, TDR AMENDMENTS

- A. Public Hearing. Chairman Dumeyer explained the purpose of this legislative hearing is to allow the public to make comments and ask questions. Andrew Stern provided a summary and brief presentation on Transferable Development Rights (TDR's) and explained the Ordinance to amend the West Hempfield Code of Ordinances, Chapter 145, Zoning, Article 1100, to revise regulations governing the creation, allocation, and use of Transferable Development Rights. He reported both Lancaster County and West Hempfield Township Planning Commissions have reviewed and recommend approval of the TDR amendments to the Ordinance. The Hearing was then opened for questions and comments by the public and there was a request for an explanation of the color-coded map. Mr. Stern explained the process and that farmers must come to the Township and

advise of their interest in participating. There were no further questions or comments (Board or Public) and the Hearing was closed at 7:49 p.m. by motion of Kent Gardner, seconded by Robert Munro and unanimously carried (5-0).

- **Motion** was made by Kent Gardner and seconded by Robert Munro to *adopt* Ordinance 3-21, TDR Amendments. The motion passed (5-0).

IV. APPROVAL OF MINUTES. - May 4, 2021 Regular Meeting – Edward Fisher **moved**, seconded by Robert Munro, to *approve* the May 4, 2021 Regular Meeting minutes as presented. The motion passed (5-0).

V. COMMUNICATIONS

A. BOARD OF SUPERVISORS - Kent Gardner attended the LIMC meeting on May 26, 2021. The next meeting is scheduled for June 9th. It appears the two COGS are merging together.

B. TOWNSHIP MANAGER - Mr. Stern submitted and reviewed his May 27, 2021 written report with the following additions:

- Water Week in Lancaster County is June 4th to 12th. Information will be posted on the township website. This is all about cleanwater and stormwater.
- Letter regarding PPL – proposing to do a small stream bank stabilization for some of their utility poles in Strickler Run. Melissa Kelly, Rettew Associates, has taken a look at it and there is no reason for concern.
- Special Fire Police – Chief Layden has received a last minute request for approval of Lyn Strayer, Bluebell Drive, Mountville as Special Fire Police Officer for the Township. **Moved** by Kent Gardner and seconded by Robert Munro to *approve* Lynn Strayer, Mountville, as Special Fire Police Officer for the Township. The motion passed (5-0).
- Labor Counsel – Current Counsel appointed in January 2021, Theresa Mongiovi and Angela Sanders, have left the firm and moved to a new firm, Post and Schell. Mr. Stern would like approval to stay with the previously appointed counsel at their new firm. **Moved** by Kent Gardner and seconded by Edward Fisher to *appoint* Post & Schell as the Township’s new Labor Attorney. Motion carried (5-0).

INTERNAL MATTERS

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

MAY	2019 YTD	2020 YTD	2021 YTD
EIT	\$1,092,503.15	\$1,095,863.05	\$1,173,543.61

LST	\$185,925.43	\$204,746.72	\$178,810.85
OTHER	\$3,547.40	\$3,053.99	\$791.12
NON-RESIDENT	<i>Not Yet Adopted</i>	\$3,938.95	\$13,339.44
TOTAL	\$1,281,975.98	\$1,307,602.71	\$1,366,485.02

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

2. **Horizon Drive Speed Study.** As a result of concerns raised by residents, a speed study was conducted by the WHTPD. The results are included in this packet. In summary, speeds were generally within the acceptable range, with a handful of outliers. The speed sign was installed at the sharp left curve north of Verdant Grove. The speed limit is 25 mph and the 85th percentile was 20 mph. I did have a couple calls from residents thanking us for putting the speed sign up and indicating that the sign itself appeared to slow traffic.
3. **Donnerville Road Speed Study.** As a result of concerns raised by residents, a speed study was conducted by the WHTPD. The results are included in this packet. In summary, speeds were generally within the acceptable range. However, there were several extremely high speeds recorded, with 10 medium risk and 2 high risk speeds recorded per hour. Our police will need to increase enforcement on this road and determine if such efforts are effective.
4. **Raintree.** All required connections have now occurred.
5. **Treasurer's Report.** The pension account at Fulton Bank has finally been closed with proceeds being moved with our other pension funds to Charles Schwab.
6. **National Night Out.** For 2021 it will be held August 3, 6-8pm at Leisure Lanes. The Board has a meeting that night. Is there any interest in rescheduling the meeting so that Board members and staff can participate in National Night Out?
7. **902 Recycle Grant.** This grant is for the leaf loader and the upgrades to our woody waste facility. We have received drafts agreements from DEP. I have returned the required paperwork. I have been informed that we SHOULD receive fully executed agreements in eight weeks, at which time we can begin our projects. Based on the delay in paperwork, I do not anticipate receiving our leaf loader truck until the 2023 leaf season.
8. **Penn State Life Lion Ambulance Agreement.** The Board approved this last month conditioned on revisions which needed to be made. The revisions have since been made and the agreement is now ready for signatures.

EXTERNAL MATTERS

1. **Nothing new to report at this time.**

PERSONNEL

1. **Staffing.** We currently have an opening for a full-time public works employee and a full-time police officer.

Public Works is to fill a current vacancy. We have conducted interviews and hope to make an offer soon.

Police is to fill an upcoming vacancy. We are down to two finalists and hope to make an offer soon.

Our Assistant Director of Finance is leaving us in July as she is moving out of the area. We have hired a replacement who will begin June 14, 2021. More details will be shared upon completion of their background check.

2. **Sergeant Coyle** has submitted his DROP paperwork. His last day of employment will be on or before July 31, 2024. Sgt. Coyle began employment here in January of 1990.

OUTSIDE BOARDS AND COMMITTEES

1. **LIMC.** LIMC will meet June 9, location TBD.
2. **CLC-COG.** CLC-COG met May 26, 2021 at West Hempfield Township. We are considering the suspension of CLC-COG meetings as most (or all) CLC-COG members are now back in LIMC.
3. **LCPC Places2040.** I virtually attended a regional workshop on May 20, 2021 where the topics of jobs, housing, and transportation were discussed. I have attached the handouts.

CORRESPONDENCE

1. **Intellicor, LLC.** We have received notice that Intellicor is submitting a plan approval application from DEP for the addition of a regenerative thermal oxidizer to their air permit.

C. TREASURER'S REPORT – April 2021

General Fund	\$ 4,474,731.65
Refuse Fund	\$ 1,060,125.46
Street Light Fund	\$ 28,658.23
TDR Fund	\$ 623,967.28
State Liquid Fuels Fund	\$ 1,368,730.34
Police Pension Fund	\$ 8,758,228.51
Non-Uniform Pension Fund	\$ 3,032,363.79
Recreation	\$ 42,069.12
Highway	\$ 991,131.60
Health Care	\$ 35,250.04
MS4 Stormwater	\$ 223,196.35
	\$ 20,638,452.37

D. DEPARTMENT REPORTS: POLICE, PUBLIC WORKS, ZONING/LAND USE, FIRE, EMS. Written reports were submitted and reviewed.

Police – Chief Layden noted the increase in crash investigations.

Public Works – Dale Getz reported the Pole Barn was finished today (Tuesday, June 1st).

Zoning/Land Use – Assistant Zoning Officer Marie McDonald was present on behalf of Zoning Officer Dwayne Steager and had nothing further to report.

Fire – There was nothing further to add to the reports.

EMS – There will be a local liason soon.

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

F. RESIDENTS: PUBLIC COMMENT ON NON-AGENDA ITEMS

- John Slaymaker, Prospect Road – speaking on behalf of his family and other farmers, requested the stormwater fee be rescinded for farmers. Chairman Dumeyer informed that additional discussions regarding stormwater fees are under way and Mr. Slaymaker was invited to attend the Municipal Meeting scheduled immediately following tonight’s Board of Supervisors meeting.

VI. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

BRIEFING ITEMS:

**A. Turkey Hill Store #136 WHTPC 3-2021(90 Days 7/06/2021)
Preliminary/Final Land Development Plan**

Location: 3570 Marietta Ave.
Zoned: TV
Lot Size: 1.8 Acre/ 78408.0.0 ft²

The applicant is proposing to install a new kiosk Burger King, repurposing the drive-thru and building at the previous Fulton Bank location at 3570 Marietta Avenue.

B. Peregrine WHTPC 6-2021(90 Days 8/04/2021)

Preliminary/Final Land Development Plan

Location: 4301 Marietta Avenue

Zoned: R3

Lot Size: 24 Acre/ 1,045,440.0 ft²

The applicant is proposing to develop the property located at 4301 Marietta Avenue with an open space design option development with 70 townhouse dwellings as a planned community.

C. The Reichardt Tracts WHTPC 7-2021(90 Days 8/04/2021)

Preliminary/Final Subdivision Plan

Location: 3809 & 3835 Concordia Road

Zoned: R2

Lot Size: 9.6 & 12.5 Acres/ 41,8176.0 & 544,500.0 ft²

The applicant is proposing to subdivide two existing tracts of land located at 3809 and 3835 Concordia Road. The two existing tracts each have a single-family dwelling on them. The plan is to subdivide the property for 7 large building lots for 7 new single-family homes.

AGENDA ITEMS:

A. Drager Property Rezoning

Scott and Jay Provanzo

Zoning Map Amendment Petition

Location: High Ridge & Marietta Avenue

R3 Withdrawal Request and R2 Request

Claudia Shank, Esq., McNees Wallace & Nurick, representing Scott and Jason Provanzo, requested the Board formally accept the withdrawal of the previously submitted Petition to Rezone the Property from the Rural Agricultural District to the R-3 Residential District and formally accept a Petition to Rezone the Property to the R-2 Residential District. Copies of a Petition to Amend the West Hempfield Township Zoning Ordinance and supporting documentation were provided. They have also requested that the fees previously submitted in connection with the R-3 Rezoning Petition be applied to the new application. Attorney Shank was present at tonight's meeting solely for the purpose of asking

the Board to formally accept the Petition and to refer it to the Township and County Planning Commissions for their recommendations. The Board had no questions or comments. Donna Bushong, Meadow Brook Road asked for an explanation of R2 and Mr. Stern responded. There were no further questions or comments from the public and the following actions were taken:

Action Required:

- **Motion** was made by Robert Munro and seconded by Kent Gardner to **Accept** Withdrawal of R3 Request. The motion passed (5-0).
- **Motion** was by Kent Gardner and seconded by Robert Munro to **Refer** R2 Request to WHT Planning Commission. The motion passed (5-0).
- **Motion** was made by Kent Gardner and seconded by Robert Munro to **Refer** R2 Request to Lancaster County Planning Commission. The motion passed (5-0).

B. 620 Sycamore

Sycamore Drive Storm Sewer Improvements Discussion.

Andrew Stern opened discussion. Kathy Conley, RGS Associates, and Gabe Clark, Catalyst, participated. Mr. Stern asked if the Board was interested in pursuing. Kent Gardner stated he was in favor of exploring and felt there was a need to discuss further. The remainder of the Board concurred. Property Owner Elizabeth Crimmins, 609 Sycamore Drive, stated she was very much in favor.

C. Shentel WHTPC 14-2020

Stormwater Major Plan

1580 Stony Battery Road

Zoned: R-2

Lot Size: 0.61 Acres/ 26,571.6 ft²

The applicant is proposing to install an equipment building/shelter, meter bank, propane tank and generator within an enclosed compound on the undeveloped 0.613-acre parcel located at 1580 Stony Battery Road.

Modification Requests:

Section 122-36-Major Land Disturbance

The applicant has requested a modification of the requirement to process this plan as a major land disturbance, and in the alternative process this plan as a minor land disturbance. The provided justification for this modification is that the increase in runoff generated by the 1,900 square foot increase in impervious area is minimal.

The Township Engineer has recommended the Township approve the waiver request based upon the justification provided with the condition that the plan be titled and processed as a minor stormwater plan in accordance with Section 122-35 of the Stormwater Management Ordinance.

Andrew Stern referred to Melissa Kelly's letter dated April 22, 2021 and Ryan Fletcher, Network Building + Consulting, spoke to the Development Plan. Design Engineer Gianni Assi spoke to the site. There were no questions or comments (Board or Public) and the following actions were taken:

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to *Approve* the requested modification of Section 122-36 Major Land Disturbance. The motion passed (5-0).
- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *Approve* the Storm Water Major Land Disturbance Plan and that all remaining outstanding engineering comments are resolved to the satisfaction of Township Staff and the Township Engineer. The motion passed (5-0).

VII. UNFINISHED BUSINESS

- A. Sale of Public Works Trailer to Highest Bidder (Municibid). **Motion** was made by Robert Munro and seconded by Kent Gardner to *approve* sale of the Public Works Trailer to the highest bidder. The motion passed (5-0).
- B. Property Maintenance Code Discussion. Andrew Stern referred to his memo dated April 28, 2021, the attached copy of a Draft Ordinance to amend the code of ordinances of the Township of West Hempfield, Chapter 104, Property Maintenance, to delete current provisions, and adopt the 2021 International Property Maintenance Code, and a copy of the Township's existing code. He stated the Township's code is very basic and does not provide the tools needed for many of the complaints that are received. The International Property Maintenance Code is detailed and addresses a lot of issues and Mr. Stern sees this code as a toolbox with many tools. The adoption of this code will not change how the Township addresses property maintenance or enforcement, it will simply provide additional tools to address the problems already being encountered.

Following discussion regarding the International Property Maintenance Code and various changes the Board wished to make, Mr. Stern recommended that the Board of Supervisors proceed with the adoption of the International Property Maintenance Code, as amended.

- **Motion** was made by Kent Gardner and seconded by Robert Munro to *authorize* Staff to advertise an Ordinance to Amend the Code of Ordinances of the Township

of West Hempfield, Chapter 104, Property Maintenance, to delete provisions and adopt the 2021 International Property Maintenance Code as amended. The motion failed (2 yes -3 no).

VIII. NEW BUSINESS.

a. Annual Hempfield RecCenter Golf Sponsorship

- i. \$100 “Par” Sponsorship for the October 1, 2021 Event – **Moved** by Robert Munro and seconded by Kent Gardner to **approve** a \$100 “Par” Sponsorship for the Hempfield RecCenter Annual Golf tournament. The motion passed (5-0).

IX. EMPLOYEE INSURANCE CONTRIBUTION CHANGES – Plan to increase the employee contributions for health insurance. Mr. Stern discussed his proposal for the increase. Following discussion, **motion** was made by Kent Gardner and seconded by Edward Fisher to **adopt** the new insurance plan as proposed. The motion passed (5-0).

X. ORDINANCES AND RESOLUTIONS.

a. Ordinance 3-21 TDR Amendments – Action was taken earlier in the meeting,

- b. Resolution 10-21 TDR’s: Establishing Market Value – **Moved** by Robert Munro and seconded by Kent Gardner to **adopt** Resolution 10-21 TDR’s: Establishing Market Value. The motion passed (5-0).

XI. APPROVAL OF PAYABLES

FUND	AMOUNT	CHECK #'S
PAYROLL & TAXES	\$ 217,911.73	EFT
FULTON - GENERAL FUND	\$ 256,341.02	3465 - 3561
FULTON - MS4	\$ 8,635.60	1042 - 1044
FULTON - REFUSE	\$ 130,453.34	1106 - 1110
FULTON - STREET LIGHT	\$ 4,460.24	1043
FULTON - ESCROW	\$ 41,774.44	2041 - 2042
FULTON - STATE FUND	\$ 17,570.12	1195 - 1200
Total	\$ 677,146.49	

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

XI. GOOD OF THE ORDER

Upcoming Board of Supervisors Meeting: July 6, 2021 Regular Meeting.

XII. ADJOURNMENT INTO AUTHORITY MEETING

West Hempfield Board of Supervisors
June 1, 2021

Chairman Dumeyer called for a motion to adjourn the Board of Supervisors Regular meeting into the Authority meeting at 9:43 p.m. **Moved** by Robert Munro and seconded by Kent Gardner to *adjourn* the Board of Supervisors Regular meeting into Authority meeting at 9:43 p.m. Motion passed (5-0).

Respectfully submitted,



Andrew Stern,
Township Manager

