

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of June 7, 2022

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 Edward Fisher, Kent Gardner, Naomi Martin, and Robert Munro, were physically present at the meeting. Also in attendance were Township Manager Andrew Stern; Director of Land Use Dwayne Steager; Police Chief Lisa Layden; and Township Engineer Melissa Kelly. Recording Secretary Judy Carrier attended remotely via Zoom.

- A. CALL TO ORDER - Chairman Dumeyer called the meeting to order at 7:30 p.m. and led with the Pledge of Allegiance after which he announced that tonight's meeting will be adjourned to Executive Session to discuss a police personnel matter.

SAADIA/GINDER REZONING Public Hearing Decisions – Chairman Dumeyer reviewed the previous meeting testimonies and discussions. On April 5, 2022, the Board of Supervisors conducted a Public Hearing, at which time everyone who wished to comment on this request to amend the Comprehensive Plan and Zoning Map was afforded the opportunity. This, along with the receipt of comments and recommendations from the West Hempfield Township Planning Commission and the Lancaster County Planning Commission, satisfied the Pennsylvania Municipalities Planning Code requirements for a request to amend the Comprehensive Plan and Zoning Map.

At the conclusion of the April 5, 2022 Public Hearing, the Board chose to table a vote on the Resolution to amend the Comprehensive Plan and Ordinance to amend the Zoning Map to allow time for the members to consider the information presented to us.

At the May 3, 2022 meeting, the Board chose to leave these items tabled until the June meeting, as we only had three members physically present at the meeting and felt that we should attempt to have our full Board present for such an important vote, if possible.

In accordance with Pennsylvania law, the Ordinance to amend the Zoning Map was again advertised for a vote at this evening's meeting. We have satisfied all Municipalities Planning Code requirements and are now prepared to vote on the resolution and ordinance. However, in accordance with the Pennsylvania Sunshine Act, we must provide one final opportunity to make public comment.

Please be reminded that a Public Hearing was already held and a significant amount of public comments have already been made. If you wish to provide comment tonight, we ask that you do not repeat what was already said at the Public Hearing. You will also be limited to 3 minutes per person. If public comments become repetitious, we will end the public comment session and proceed to the vote.

The following people spoke at the beginning of the meeting for public comment on the rezoning:

- Jeanne Glick, 580 Kinderhook Rd
- Dan Rowley, Attorney, Saul Ewing Arnstein & Lehr LLP, representing Vincent Cavallo, 3650 Meadow Spring Rd
- Nathan Poglein, 760 Stony Battery Rd
- Ken Swezey, 1127 Greens Ave (East Hempfield)
- Andrew Aument, Salunga
- Gary Crowell, 741 Steeplechase Rd
- Donna Bushong, 32 Meadow Road
- Linda Bell, 1685 Clear Spring Rd
- David Spooner, 703 Steeplechase Rd
- Daniel Conley, 572 Prospect Rd
- Frank Burkhart, 1030 Silver Spring Rd
- Susan Dicklitch Nelson, 3289 Verdant Grove
- Pete Smith, 490 Hempfield Hill Rd
- Victor Beppler, 765 Kayo Ave.
- Adam Barbour, 4155 Nolt Rd

Their comments and/or questions included asking the Supervisors to continue on their winning course of keeping taxes low – which this rezoning would help with; requesting that the Supervisors deny the petition on the re-zoning, as submitted, due to lack of information regarding the plans or the project and no mechanism to protect the public; being against development of this property which poses a threat to the cycling community and overall well-being; questions as to why this property can be developed if it was protected farmland; concerns about stormwater run-off; tourists come to Lancaster County to view the beautiful farmland scenery so why can't abandoned buildings be torn down and the warehouse be built there; increased truck traffic, trucks not being able to make the turn and run off onto the farmland; no lights, unsafe for walkers; who owns the property and who will be working in these buildings; the need for slowing down the traffic on the road – crosswalks? Speed bumps? Lights? absolute costs that will be incurred to do the rezoning; contract zoning; who prepared the paperwork for the rezoning; consideration of the opportunity to preserve this farmland . . . it is some of the best farmland and West Hempfield Township residents want to preserve the farmland . . . “nobody wants to become East Hempfield Township”. Several people asked the Board to listen to the constituents who do not want this land to be covered over by warehouses and asphalt and concrete. They feel development has been going on like crazy and there is more crime and more anxiety. They love West Hempfield Township and want to see it stay that way.

Responses by the Supervisors included that the property owner is requesting that the property be re-zoned, there is no indication regarding what the buyers are going to do with that land and stormwater management will be addressed during the development review process. Edward Fisher explained that State Law does not allow conditions to be imposed on a rezoning, and the Board must depend on the testimony given during the Public Hearing. Township Manager Andrew Stern reported that the owner of the property signed the application for re-zoning.

Robert Munro commented on the fun parts and the tedious and agonizing parts of the job of serving as a Supervisor and explained what goes into making decisions that are in the best interest of the residents of West Hempfield Township. Kent Gardner discussed good things that can be done and noted that some decisions are also about cleaning up the water. Edward Fisher discussed pros and cons – some people for and some people against. He further stated that as Township Officials they have to find a balance and that can be very difficult at times. He went on to state that the citizens and community at large create the demands for warehouses and the Township Supervisors are mandated to meet those demands and sometimes it is necessary to permit a lot of things they don't like.

After all comments were heard, the following actions were taken:

1. Resolution 11-22: Urban Growth Area Amendment, Meadow Spring Rd. **Motion** was made by Kent Gardner and seconded by Robert Munro to **adopt** Resolution 11-22: Urban Growth Area Amendment, Meadow Spring Rd. The motion passed (4-0-1), with Supervisor Martin abstaining.
2. Ordinance 1-22: Saadia Rezoning, 3451 Meadow Spring Rd. **Motion** was made by Kent Gardner and seconded by Robert Munro to **approve** Ordinance 1-22: Saadia Rezoning, 3451 Meadow Spring Rd. The motion passed (4-0-1), with Supervisor Martin abstaining.

A 5-minute recess was then taken to permit those who wished to leave the meeting room could do so.

B. APPROVAL OF MINUTES

May 3, 2022 – Regular Meeting. **Motion** was made by Kent Gardner and seconded by Robert Munro to **approve** the May 3, 2022 Regular Meeting Minutes as presented. The motion passed (5-0).

C. COMMUNICATIONS

1. BOARD OF SUPERVISORS – Edward Fisher noted the number of re-zoning petitions and remarked that the Urban Growth Map is 30 years old. He would like to pause on Re-Zoning and update the Urban Growth Map to come up with ways to work with the farmers moving forward. The Board concurred. Township Manager Andrew Stern also agreed and discussed some of the things already being done.
2. TOWNSHIP MANAGER – Andrew Stern reviewed his Manager's Report dated June 6, 2022.

INTERNAL MATTERS

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

	2020 YTD	2021 YTD	2022 YTD
EIT	1,095,863	1,173,543	1,264,944
LST	204,746	178,810	139,854
OTHER	3,053.99	791	1,035
NON-RESIDENT	3,938	13,339	21,893
TOTAL	\$1,307,600.99	\$1,366,483	\$1,427,726

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

2. **Farmdale/Ferndale.** The project is underway. As a reminder, this is a major project with significant impact to the neighborhood. We have received several complaints from residents which the contractor has done their best to resolve.
3. **Rutters.** The appeals from Rutters related to our video gaming terminal ordinance amendment was dismissed "with prejudice" by the Judge Miller. Rutters did not appeal to Commonwealth County, thus the matter is now closed. This occurred in August of 2021, although we were not made aware until very recently. Both decisions are attached.
4. **Woody Waste.** We have now distributed over 400 access cards. We have had an overwhelmingly positive response with many compliments. We have had a very small number of complaints related to the charging of a fee and the hours of operation.
5. **Escrows.** The Township collects money to hold in escrow when application is made for stormwater, subdivision, and land development review. The escrow funds are used to reimburse the Township for our Township Engineer review fees. We have begun to review and close out escrow accounts which were for projects completed many years ago. In May we refunded over \$10,000 to 14 developers/property owners. We will continue our efforts to verify projects are completed and to track down those whose money we are holding.
6. **Salt Shed.** Rettew has finished the bid specs and will be putting it out on PennBid soon.

EXTERNAL MATTERS

1. None at this time.

PERSONNEL

1. **Staffing.** We have hired Kyle Fritz to fill the vacancy in Public Works. As such, we are again fully staffed.
2. **CDL.** As communicated to you previously, new federal and state laws now require costly external training prior to obtaining a CDL. Since my last communication, we have also learned that PennDOT will no longer renew CDL permits, thus anyone with a permit that

does not obtain a CDL prior to the permit expiration will lose their grandfathering and have to take the newly required classes. In addition, we are having a tough time even finding training that would meet our specific needs for our municipal vehicles. As we are fully staffed, this is not currently an issue for us, but will become a significant issue at some point with our ability to hire and keep our CDL Public Works employees.

OUTSIDE BOARDS AND COMMITTEES

1. **LIMC:** Our June 8, 2022 meeting has been cancelled. Our next meeting is scheduled for August 10, 2022, 7:30 am, at East Lampeter Township.

CORRESPONDENCE

1. None at this time
3. **TREASURER’S REPORT** – Current Month-to-Date and Prior Month Detail (April 2022) Reports were submitted and reviewed. The Supervisors commented that they liked the new format. They find it easy to read and complimented Staff on doing a good job.
4. **DEPARTMENT REPORTS:** Police, Public Works, Zoning/Land Use, Fire, EMS. Written reports were received and reviewed. Chief Layden reviewed her report. Dale Getz highlighted the Woody Waste program, reporting that 500 cards have been programmed, people are very happy and there have been only a few minor complaints. Dwayne Steager commented on upcoming training, informed that rain barrels will be distributed this Saturday and reported that Mandy has completely caught up on the outstanding permits.
5. **TOWNSHIP ENGINEER’S REPORT:** Melissa Kelly submitted and reviewed her written report. There were no questions.
6. **RESIDENTS: PUBLIC COMMENT ON NON-AGENDA ITEMS** – The following people spoke during the public comment session:
 - Pete Smith, 490 Hempfield Hill Rd – Commented on the Woody Waste program and said it is “Fantastic”. He also commented about his concerns about upcoming chipping and tar and possible damage to vehicles.
 - James Wertz, 1002 Prospect Rd – Reported that speeding traffic on Prospect Road is getting worse every day and asked if they were now planning to build duplexes instead of single-family homes.

E. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

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.

1. **Ryan D. O’Leary**

Lot Add-On Plan

Location: 1519 Habecker Road, Columbia

Zoned: RA

Lot Size: 1.092 acre Parcel “A”/ 47567.56 ft² - 0.760 acre Parcel “B”/ 33105.63 ft.²

The applicant Ryan D. O’Leary, owns and operates the Creekside Café on 1.432 acres at 1519 Habecker Road in Rapho Township, both lots border the Chickies Creek, with the thread of the stream being the municipal boundary between Rapho Township and West Hempfield Township. The resolved boundary survey results in the property lines crossing the municipal lines as follows:

- 1,800 SF of Lot 1, (0.041 acres), is in West Hempfield Township. This is 2.9% of the existing lot.
- 7,000 SF of Lot 2, (0.161 acres) is in West Hempfield Township, which is 0.4% of the existing tract.

Due to the dual municipal involvement, Rapho Township has requested that the applicant provide evidence that of either West Hempfield Township approval of this plan; or West Hempfield Township deferral of review of this plan to Rapho Township.

Gregory L. Strausser, P.E., Strausser Surveying and Engineering, Inc., was present acting as Agent for the Applicant.

Action Required

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **Defer** review of this plan to Rapho Township for processing. The motion carried (5-0).

2. **Colby Weinhofer 425 Summit Drive –**

As-Built Plan Review No. 1

Financial Security Reduction No. 1

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	\$ 35,142.00
Previous Reductions	\$ 0.00
Outstanding Balance	\$ 35,142.00
(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.

Based on a site visit on May 9, 2022, and a review of the documentation, the Township Engineer recommends that the Township release the remaining balance of the financial security, in the amount of \$ 35,142.00.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the release of financial security for this project in the amount of \$ 35,142.00 leaving a balance of \$0.00. The motion carried (5-0).

**3. Millfield Green/Peregrine
Park Fee in Lieu Reduction Request No. 1**

The applicant is requesting a reduction of their Park Fee-in-Lieu of Letter of Credit. In accordance with the reduction request by Millfield Green, LLC dated May 10, 2022, and their payment of \$25,645.86, the Township Engineer recommends the park and recreation fee-in-lieu amount be reduced by \$25,645.86. This will leave a balance of \$26,854.14.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the reduction request by Millfield Green, LLC dated May 10, 2022, and **accept** their payment of \$25,645.86, leaving a balance of \$26,854.14. The motion carried (5-0).

**4. Millfield Green/Peregrine
Financial Security – Reduction No. 2**

The applicant is requesting a reduction of their financial security.
Records indicate that the financial security status for this project is as follows:

Original Amount	\$ 643,474.15
Previous Reductions	\$ 22,962.15
Outstanding Balance	\$ 620,512.00

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 \$6,105.00, which will leave a new outstanding financial security balance of \$614,407.00. This amount is adequate to cover the costs of the remaining

work. The Municipalities Planning Code (MPC), Section 509 (j) as amended, states that the Township may require the retention of one hundred ten percent of the estimated cost of the remaining improvements (\$614,407.00) prior to the final release of the financial security.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the financial security for this development be reduced by \$6,105.00, which will leave a new outstanding financial security balance of \$614,407.00. The above amount does not include any increase that may have automatically occurred on the anniversary date of the financial security. The motion carried (5-0).

5. Conditional Use #87

Provanzo

High Ridge Road at Marietta Avenue

The Applicant proposes to develop the Property with 72 single family detached dwellings using the open space design option as outlined in Article 1200 of the West Hempfield Township Zoning Ordinance.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **forward** the Provanzo Conditional Use Application to the West Hempfield Township Planning Commission for review and to **schedule** a Public Hearing for July 5, 2022 at 7:30 pm. The motion carried (5-0).

F. UNFINISHED BUSINESS – None

G. NEW BUSINESS

1. Lancaster Bicycle Club Event Request, Sunday, August 21, 2022. **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the Lancaster Bicycle club Event Request, Sunday, August 21, 2022 as presented. The motion passed (5-0).
2. Sycamore Drive Stormwater Conveyance System
 - a) Request to authorize Solicitor to proceed with condemnation for temporary and permanent easements, or in-lieu of condemnation, relieve developer of commitments to install this system. Andrew Miller, RGS Associates, representing the Developer, 620 Sycamore Drive Associates, LLC, was present to answer any questions regarding the request. Gabe Clark was present on behalf of Paul Zimmerman. **Motion** was made by Edward Fisher and seconded by Robert Munro to **authorize** the Township Solicitor to proceed with condemnation for temporary and permanent easements over the Zimmerman Property as depicted on the plans provided by Claudia N. Shank, Esq., McNees Wallace & Nurick LLC. The motion passed (5-0).

H. ORDINANCES, RESOLUTIONS, AND AGREEMENTS - None

West Hempfield Board of Supervisors
June 7, 2022

I. APPROVAL OF PAYABLES – A listing of WHT May 2022 Check Registers was provided and reviewed. **Moved** by Kent Gardner and seconded by Robert Munro to **approve** payment of all bills between May 1, 2022 and May 31, 2022 and any residuals that may be forthcoming. Motion carried (5-0).

J. GOOD OF THE ORDER

1. NO MUNICIPAL AUTHORITY MEETING THIS MONTH

2. **UPCOMING BOARD OF SUPERVISORS MEETING:** Tuesday, July 5, 2022:
Regular Meeting

K. ADJOURNMENT INTO EXECUTIVE SESSION TO DISCUSS POLICE PERSONNEL MATTERS

Chairman Dumeyer called for a motion to adjourn the meeting into Executive Session to discuss Police Personnel matters. **Motion** was made by Robert Munro and seconded by Edward Fisher to **adjourn** the Board of Supervisors meeting into Executive Session to discuss Police Personnel matters at 9:25 p.m. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,
Township Manager

