

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of September 6, 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; Police Chief Lisa Layden; Public Works Director Dale Getz, Land Use Director Dwayne Steager, and Finance/HR Director Amy Slutter. 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.

B. APPROVAL OF MINUTES.

1. August 4, 2022 – Regular Meeting. **Motion** was made by Robert Munro and seconded by Edward Fisher to **approve** the August 4, 2022 Regular Meeting Minutes as presented. The motion passed (5-0).

C. COMMUNICATIONS.

1. Board of Supervisors – None
2. Township Manager – Andrew Stern reviewed his written report dated September 1, 2022.

INTERNAL MATTERS

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

	2020 YTD	2021 YTD	2022 YTD
EIT	1,710,332	1,829,782	1,977,415
LST	268,283	242,305	212,164
OTHER	3,373	1,078	2,345
NON-RESIDENT	7,395	21,148	31,831
TOTAL	\$1,989,383	\$2,094,313	\$2,223,755

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

2. **Farmdale/Ferndale.** Project is wrapping up. Driveways are useable again. Concrete work and yard restoration should be completed the week of 9/12 and paving is tentatively scheduled for the week of 9/19.

3. **Noise Ordinance.** The Board had authorized the advertising of amendments to our noise ordinance. However, after further discussions with the Police Chief staff has decided to postpone this in order to allow for further review of the amendments.
4. **Police Vehicles.** An update will be provided at this meeting.
5. **Police Contract.** Negotiations are progressing well. Staff will provide an update in executive session.
6. **East Hempfield.** On August 26, Dave Dumeyer, Ed Fisher, and I met with Scott Wigglesworth, Scott Russell, and Cindy Schweitzer to discuss three mutual traffic issues – the paving of Stony Battery Road, the intersection of Marietta and Stony Battery Road, and an overall truck route plan for both Townships – especially along our border areas. A brief summary:
 - **Stony Battery Paving:** We are looking at a modification to the paving specs to bring costs down. The basic idea is to drop from 2” of wearing to 1.5”. With long term maintenance done in a timely matter, this should work fine and save money.
 - **Marietta at Stony Battery:** We will work together to get this intersection on the Lancaster MPO TIP. The final design will be determined later. This could be an 8-10 year process (or longer!).
 - **Truck Routes:** West Hempfield had planned to prohibit trucks on a few streets. Our engineers recommended that we decide where trucks should be before we prohibit them so we don’t end up with unanticipated consequences. East Hempfield already had their engineers looking at similar issues. We have agreed to work together using their engineer.

EXTERNAL MATTERS

1. **462 Columbia-Wrightsville Bridge Project.** Attached is a letter from PennDOT documenting maintenance responsibilities going forward. As you are aware, West Hempfield refused to take on any additional responsibilities on this state bridge, thus there are no changes for us. Also attached is the “final” proposed deck layout plan.

PERSONNEL

1. **Staffing.** We are full staffed, for now.

OUTSIDE BOARDS AND COMMITTEES

1. **LIMC:** OUR next meeting is scheduled for October 12, 2022, 7:30 am, at Manheim Township.

CORRESPONDENCE

LCSWMA. We have received a letter from LCSWMA stating their fee increases for 2023. Refuse will increase 18.75% and recycling will increase 15.38%. Our staff will be calculating what impact this may have on our Township’s 2023 rates

3. Treasurer's Report – Current Month-to-Date and Prior Month Detail (July 2022) Reports were submitted and reviewed. There were no questions.
4. Department Reports: Police, Public Works, Zoning/Land Use, Fire, EMS. Written reports were received and reviewed.

Police – Chief Layden reported the process of creating policies has been completed and uploaded to the system and the Board will eventually receive printed copies for review and comment.

Public Works – Mr. Munro stated he felt very comfortable driving on the new road surface in the pouring rain. Mr. Stern remarked about the need to start thinking about replacing some of the bigger trucks and asked that the Board give him any questions or things they would like to see.

Fire - Written reports were received from West Hempfield and Mountville.

Zoning/Land Use –There was nothing out of the ordinary for this time of year.

5. Township Engineer's Report –No questions or comments on Melissa Kelly's written report.

6. Residents: Public Comment on Non-Agenda Items - None

D. 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. **Brad Hurst**
3101/3103 Marietta Avenue
Financial Security Release

A separate memo has been provided by the Township Manager for the release of this financial security. Records indicate that the financial security status for this project is as follows:

Outstanding Balance \$ 6,062.67
(prior to this reduction)

The above amount does not include any increase that may have automatically occurred on the anniversary date of the financial security.

Mr. Stern reviewed his memo dated August 18, 2022 and explained that the request is more complicated than normal requests. Staff is recommending the full release of the financial security to Mr. Hurst in the amount of \$6,062.67.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the release of financial security for this project in the amount of \$ 6,062.67 leaving a balance of \$0.00

**2. Millfield Green/Peregrine (Phase I)
Financial Security – Reduction No. 3**

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	\$ 29,067.15
Outstanding Balance	\$ 614,407.00

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 \$248,799.00, which will leave a new outstanding financial security balance of \$365,608.00. This amount is adequate to cover the costs of the remaining work listed on the Engineers Report Financial Security Reduction Request No. 3. 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 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 \$ 248,799.00, which will leave a new outstanding financial security balance of \$365,608.00. 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).

**3. Travis and Shauntel Ruth/Duff Builders
4569 Fairview Road
As-Built Plan Review No. 1
Financial Security Reduction No. 1**

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	\$ 30,155.34
Previous Reductions	\$ 0.00
Outstanding Balance	\$ 30,155.34

Based on our site visit and a review of the documentation, the Township Engineer has recommended that the financial security for this development be reduced by \$12,760.34, which will leave a new outstanding financial security balance of \$17,395.00. This amount is adequate to cover the costs of the remaining work listed above. 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 prior to final release of the financial security.

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* the financial security for this development be reduced by \$ 12,760.34, which will leave a new outstanding financial security balance of \$365,608.00. The above amount does not include any increase that may have automatically occurred 17,395.00 on the anniversary date of the financial security. The motion passed (5-0).

4. Peregrine Residential Development CST Modification Request
Preliminary/Final Land Development Plan
Location: 4301 Marietta Avenue
Zoned: R3
Lot Size: 24 Acres/ 1,045,440.0 ft²

REQUESTED MODIFICATIONS

Section 602.R – Clear Sight Triangles

The applicant has requested a modification of the requirement to provide a 100' clear sight triangle at the intersection of Heather Lane and Bridge Valley Road and in the alternative, provide a 75' clear sight triangle. This modification will allow the applicant to establish an attractive entrance, including signage, for the development. In addition, the applicant indicates a stop sign is proposed at this intersection and adequate sight distance is available in both directions.

The Township Engineer has recommended approval of this modification with the condition that no driveways or parking be partially or fully located within the clear sight triangle.

Bill Swiernik, DM/A, presented the request and reviewed the modification. After discussion, the following action was taken:

- **Motion** was made by Kent Gardner and seconded by Edward Fisher to *approve* the modification with the condition that no driveways or parking be partially or fully located within the clear sight triangle. The motion passed (5-0).

5. Murphy – 490 Norwood Road

Preliminary/Final Subdivision & Land Development Plan
Location: 490 Norwood Road
Zoned: RR
Lot Size: 11.9 Acres/ 518,364.0 ft²

REQUESTED MODIFICATIONS

Section 602.K.6.b – Improvement of Existing Streets and Intersections

The Applicant has requested a waiver of the requirement to reconstruct Norwood Road with justification that the project proposes the subdivision of a single lot into two lots and the additional single-family dwelling will not generate an increase in traffic and widening the existing roadway would not be consistent with the surrounding properties.

The Township Engineer has recommended the Township deny the request to waive reconstruction along Norwood Road and recommend the Township defer the reconstruction along Norwood Road 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.”

Mark Magrecki, Penn Terra Engineering, representing the applicant, Rob Murphy, presented the requested modifications and answered questions.

Action Required:

- **Motion** was made by Robert Munro and seconded by Edward Fisher to *deny* the modification and *defer* the reconstruction until such time that the Township Officials shall direct. The motion passed (5-0).

Section 602.M – Curbs

The applicant has requested a waiver of providing curbs along Norwood Road with justification that the project is located in the Rural Residential Zoning district and no curbs exist along the entire length of Norwood Road. The installation of curbs will impact stormwater flows and the rural setting of the site.

The Township Engineer has recommended the Township deny the request to waive curbing along Norwood Road and recommend the Township defer the installment of curbing along Norwood Road 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 Robert Munro to *deny* the request to waive curbing along Norwood Road and *defer* the installment of curbing along Norwood Road until such time as directed by Township Officials to do so. The motion passed (5-0).

Section 602.N – Sidewalks

The applicant has requested a waiver from installing sidewalks along Norwood Road with the justification that no sidewalks exist along the entire length of Norwood Road and the installation of sidewalks would lead pedestrians to a dead end in both the east and west direction and would also impact the rural setting of the site.

The Township Engineer has recommended the Township deny the request to waive sidewalk along Norwood Road and recommend the Township defer the installment of sidewalk along Norwood Road 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 and Sidewalks at all locations where the property abuts a public street. Upon owner’s request for modifications, the obligation to complete the Curbs and Sidewalks 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 months of the date of notice to do so.”

Action Required:

- **Motion** was made by Kent Gardner and seconded by Robert Munro to *deny* the request to waive sidewalk along Norwood Road and *defer* the installment of sidewalk along Norwood Road until such time as directed by Township Officials to do so. The motion passed (5-0).

Section 604.D.5 – Lot Frontage (New Request This Submission)

The applicant has requested a waiver of the requirement that all lots front on an approved public or private street and maintain a minimum lot frontage at the building setback line and street right-of-way. There is an existing shared driveway between lots 490 and 488. This driveway serves 2 existing homes. As a condition of the Zoning Hearing Board approval, the existing and new home had to be located on separate lots with a minimum lot size of 1.5 acres. Proposed Lot 2B will front on and utilize the existing driveway and the length of frontage for Lot 2B would meet the minimum lot width at the street line and setback line. The driveway will remain under private ownership and not be offered to the Township for dedication.

The Township Engineer has recommended the Township approve the waiver request based upon the justification provided.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the waiver request based upon the justification provided. The motion passed (5-0).

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

The applicant has requested a modification of the requirement that the maximum loading ratio for volume control facilities in non-karst areas be 5:1 impervious drainage area to infiltration area and 8:1 total drainage area to infiltration area and, in the alternative, propose a total drainage area to infiltration area loading ratio of 70.9:1 and a impervious drainage area to infiltration area loading ratio of 8.3:1. The total drainage area loading ratio is high because the basin is located at the flattest point of the site which is also the farthest point from the proposed improvements. Of the 2.41-acre drainage area to the rain garden, 2.13 acres will be comprised of existing woods or lawn/meadow area. The rain garden is located over 300 feet from the tributary impervious area and all flows are directed to the rain garden via overland flow. The overland flow will allow the lawn areas between to infiltrate and evaporate along the travel path to the rain garden. The proposed impervious drainage area loading ratio at 8.3:1 is higher than recommended, but the overland flow will allow for infiltration and evaporation opportunities.

The Township Engineer has recommended the Township approve the modification request of the total drainage area to infiltration area loading ratio of 70.9:1 and recommend the Township deny the modification request of the impervious drainage area to infiltration area loading ratio of 8.3:1.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the modification request of the total drainage area to infiltration area loading ratio of 70.9:1 and **deny** the modification request of the impervious drainage area to infiltration area loading ratio of 8.3:1. The motion passed (5-0).

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the Final Subdivision and Land Development 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).

- 6. Silver Spring Restaurant & Multi-Family**
Preliminary/Final Land Development Plan Location: 4301 Marietta Avenue
Zoned: TV
Lot Size: Three Lots Totaling 1.64 Acres/ 71438.46 ft²

REQUESTED MODIFICATIONS - Ed Ostrowski, ELA Group, representing the Applicant, Karida, LLC, presented the following and answered questions. Mr. Randy Hess, Builder, and Mr. George Agadis, Owner, were also present.

Section 305 – Preliminary Plan Processing

The applicant has requested a waiver of the requirement to process a preliminary plan and in the alternative, proceed directly to final plan processing.

The Township Engineer has recommended approval of this modification based upon the justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the modification with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township. The motion passed (5-0).

Section 602.K.6.b – Improvement of Existing Streets (New Request this Submission)

The applicant is requesting a waiver of the requirement to reconstruct Marietta Avenue (SR 0023) to the full width and to the centerline, and in the alternative, improve the street in accordance with the PennDOT HOP plans, including the 6' widening/reconstruction of the shoulder, 8" vertical concrete curbing, 5' wide concrete sidewalk, and stormwater conveyance facilities.

The Township Engineer has recommended approval of this waiver for the reconstruction of Marietta Avenue (SR 0023) to the full width and to the centerline based upon the justification and alternative provided.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the modification. The motion passed (5-0).

Section 122-36.A.2 – Stormwater Profile Drafting Standards

The applicant is requesting a modification of the requirement to provide all profiles of stormwater management facilities at a horizontal scale of 1"=50', and in the alternative provide the profiles at a horizontal scale of 1"=20'.

The Township Engineer has recommended approval of this modification request based upon the justification and alternative provided.

Action Required:

- **Motion** was made by Kent Gardner and seconded by Robert Munro to **approve** the modification. The motion passed (5-0).

Section 122-48.A.2.c – Loading Ratios

The applicant is requesting a modification of the requirement to provide a maximum impervious area to infiltration area loading ratio of 3:1 in karst areas, and in the alternative provide a 4.5:1 impervious loading ratio. The justification provided for this request is a supporting letter from Becker Engineering, the Project Geologist.

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

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the modification. The motion passed (5-0).

Section 122-49.I – Subsurface Storage Facilities Geotextile Requirements

The applicant is requesting a modification of the requirement to provide nonwoven geotextiles on all sides of the subsurface infiltration facility, and in the alternative provide geotextile on the vertical sides of the facility, not the top and bottom.

The Township Engineer has recommended approval of this waiver request based on the justification and alternative provided.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the modification. The motion passed (5-0).

Action Required:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the Final Subdivision and Land Development 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).

7. Conditional Use #88
Donald Murphy
2415 Sangrey Lane

This property contains a second driveway on a residential lot requiring conditional use approval from the Board of Supervisors.

Action Required:

- **Motion** was made by Edward Fisher 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 Edward Fisher and seconded by Kent Gardner to **schedule** Public Hearing for October 4, 2022 at 7:30 pm. The motion passed (5-0).

E. UNFINISHED BUSINESS

1. Preserve at Silver Spring, Conditional Use Discussion – Mr. Stern referred to his memo dated September 1, 2022 related to a decision issued by the Board on January 4, 2022. Dwight Yoder, Gibbel Kraybill & Hess LLP and Amanda Groff, TPD were present to discuss and seek guidance from the Board regarding this decision relating to the extension of a walkway and a crosswalk and an issue that has arisen as a result of the decision imposed.
2. Police Vehicles, Update – Andrew Stern referred to Captain Ober’s memo briefly outlining several hurdles that could be faced with finding replacement vehicles for the two aging Dodge Chargers that were approved for replacement at \$40,000 each, the potential of securing two 2022 Ford Hybrid Utility SUV’s at \$40,625 each and the possible hike in pricing for 2023 models. He does not believe there would be a need for any new vehicles during the 2023 budget time frame.

F. NEW BUSINESS

1. 2023 MMO’s: Acknowledge Receipt. **Motion** was made by Rob Munro and seconded by Kent Gardner to **acknowledge receipt** of the 2023 MMO calculations for 2023 for non-uniformed and police pensions, as well as a summary since 2013. The motion passed (5-0).
2. Ski Tunes Ski & Board Shop, Special Event Request, October 15 & 16 - **Motion** was made by Kent Gardner and seconded by Rob Munro to **approve** the Special Event Request for a 15th Annual Ski & Snowboard Swap to be held on October 15

& 16, 2022 in the parking lot in front of Ski Tunes Ski & Board Shop, Ironville Pike, and to waive the sign permit fee. The motion passed (5-0).

3. Fire Police Authorization, Manheim Farm Show Parade, October 5, 2022 - **Motion** was made by Ed Fisher and seconded by Rob Munro to **authorize** Fire Police during the Manheim Farm Show Parade, October 5, 2022. The motion passed (5-0).
4. Appoint Special Fire Police Member Molly Sauder – **Motion** was made by Ed Fisher and seconded by Kent Gardner to **appoint** Molly V. Sauder to the position of “Special Fire Police Officer”. The motion passed (5-0).
5. Schedule October Road Tour – The Board concurred with scheduling the October Road Tour on October 24, 2022, leaving from the Township Building at 8:00 a.m.

G. ORDINANCES, RESOLUTIONS, AND AGREEMENTS - None

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

I. GOOD OF THE ORDER

- ***NO MUNICIPAL AUTHORITY MEETING THIS MONTH.***
- **UPCOMING MEETING:** Tuesday, October 4, 2022: Regular Meeting, 7:30pm

J. ADJOURNMENT

Chairman Dumeyer called for a motion to adjourn the meeting into Executive Session to discuss Police Personnel issues. **Moved** by Kent Gardner and seconded by Rob Munro to **adjourn** the meeting into Executive Session at 9:15 p.m. to discuss Police Personnel issues. The motion carried 5-0).

Respectfully submitted,



Andrew Stern,
Township Manager

