

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING  
Minutes of December 5, 2023

The regular meeting of the Board of Supervisors was held at the West Hempfield Township Municipal Building, 3476 Marietta Avenue.

Chairman David Dumeyer and Board Members Edward Fisher, Kent Gardner, Naomi Martin and Robert Munro were present at the meeting. Also in attendance were Township Manager Andrew Stern; Director of Land Use Dwayne Steager; Director of Planning Lindsay Gerner; Public Works Director Dale Getz; and Township Engineer Melissa Kelly. Recording Secretary Judy Carrier was in attendance remotely via Zoom.

A. CALL TO ORDER - Chairman Dumeyer called the meeting to order at 7:00 p.m. and led with the Pledge of Allegiance.

B. RECOGNITION OF SERVICE

1. Naomi Martin, Board Member since January 2012. Chairman Dumeyer recognized and thanked Naomi Martin for her many years of service on behalf of the Supervisors, staff and all other representatives of West Hempfield Township. Mr. Dumeyer presented a Township Certificate of Appreciation and Andrew Stern presented a PSATS Certificate of Service.

C. APPROVAL OF MINUTES

1. November 9, 2023 - **Motion** was made by Robert Munro and seconded by Kent Gardner to **approve** the November 9, 2023 Regular meeting minutes as presented. The motion carried unanimously (5-0).

D. COMMUNICATIONS

1. Board of Supervisors – Kent Gardner reminded that West Hempfield will be hosting LIMC at 7:30 a.m., Wednesday, December 13, 2023.
2. Township Manager – Andrew Stern reviewed his written report dated November 30, 2023 and had two additional items to include:
  - Request for an Executive Session to be held immediately following the Supervisors meeting for a personnel matter.
  - Electric Vehicle Chargers – the State law has changed and it may now be necessary to pay taxes. Very few people use the service. We are not yet breaking even. The paperwork involved to collect and pay the taxes does not seem reasonable given the low usage of the service. If the Board has no objections, staff will continue work with the Department of Revenue to resolve the issue. If it is determined the process is correct, Mr. Stern is recommending the Township discontinue its electric vehicle charger service. The Board had no objections to Mr. Stern’s recommendation.

**INTERNAL MATTERS**

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

	2021 YTD	2022 YTD	2023 YTD
EIT	2,464,703	2,652,098	2,741,461
LST	325,615	287,558	320,299
OTHER	2,117	4,809	17,759
NON-RESIDENT	32,854	38,717	49,565
<b>TOTAL</b>	<b>\$ 2,825,289</b>	<b>\$ 2,983,182</b>	<b>\$ 3,129,084</b>

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

2. **Health Insurance.** As the Board is aware, 2023 was the first year since we left the ICC insurance co-op. We had hoped to obtain savings of about \$200,000 and it appears we will. For 2024, our rates are actually decreasing, despite having several employees/family members with significant health issues in 2023. We expect to have similar savings in the neighborhood of \$150,000-\$200,000 in 2024, compared to where we would have been had we stayed in the ICC.
3. **SBCC Conditional Use Appeal.** The SBCC team is putting together exhibits to explain their proposed settlement. We are looking to schedule a public meeting sometime in January for them to present their proposal to the Board.

**EXTERNAL MATTERS**

1. **462 Bridge Project.** Route 30 bridge work is wrapping up. A new center median was installed as part of the safety improvements required due to the upcoming 462 bridge closure.
2. **Prospect Road at Fairview.** Engineering is underway for safety improvements. Benesch is the engineer. We are not directly involved, but we are consulted from time to time.
3. **Penn State Life Lion Ambulance.** Adam Marden is no longer with Penn State. Nate Buchanon will be his interim replacement. We might not receive reports until a permanent replacement is named.

**PERSONNEL**

1. **Staffing.** We remain fully staffed for all positions. We have one part-time employee who will become an independent contractor for us starting December 1, 2023.
2. **Retirement.** Detective Ziegler will be retiring effective January 6, 2024. We will plan to recognize him at the February Board meeting.

**OUTSIDE BOARDS AND COMMITTEES**

1. **LIMC.** West Hempfield will be hosting LIMC at 7:30 am, Wednesday, December 13, 2023. Please feel free to join us.

**CORRESPONDENCE**

1. None at this time.
3. Treasurer's Report – Current Month-to-date and Prior Month Detail Reports were submitted and reviewed. There were no questions or comments.
4. Department Reports: Police, Public Works, Zoning/Land Use, Fire, EMS. Written reports were submitted and discussed.
  - Chief Layden provided clarification regarding an out-of-state warrant and the Chair complimented her very comprehensive report.
  - Dale Getz and Public Works were recognized for doing a great job with leaf clean-up.
  - Edward Fisher remarked that trucks at the intersection of Prospect and Garfield Road have a very difficult time exiting at Garfield and Andrew Stern noted he will be providing updated information on recent meetings held with Rettew and Rapho Twp.
  - Dwayne Steager reported on the EPA/DEP Mock Stormwater Audit with Rettew and he will be reviewing and updating documents. Lindsay Gerner noted being very busy with end-of-year sewage reports.
  - There were no questions on the report submitted by Mountville Fire.
  - Andrew Stern reported on the staffing change at EMS.
5. Township Engineer's Report - Melissa Kelly pointed out Grant information for Stony Battery Road has been advertised and bids are due Thursday, December 14th. There were no questions or comments on her written report.
6. Residents - None

**E. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES**

1. **WHT 04-2023 Drager Tract (90 day + Ext: December 15, 2023)**  
**Preliminary Subdivision & Land Development Plan**  
**Applicant: High Ridge Acquisitions, LLC**  
**Location: High Ridge Rd & Marietta Ave**  
**Zone: R-3 – 38.3 acres**

The applicant proposes to subdivide a parcel of land and construct a 70 single family detached dwellings. This plan received Conditional Use approval on July 5, 2022. William Swiernik, RLA, David Miller/Associates was present on behalf of the applicant, High Ridge Acquisitions, LLC.

**Requested Modifications:**

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

**A. Section 404.A.1- Plan Scale**

The applicant has requested a modification of the requirement to provide a plan at a scale of one inch equals 20 feet (1"=20') or one inch equals 50 feet (1"=50'). In the alternative, the applicant has provided a plan scale at one inch equals 80 feet, one inch equals 30 feet, and one inch equals 40 feet.

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

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* the requested Modification of Section 404.A.1-Plan Scale based on the justification provided. The motion carried (5-0).

**B. Section 602.I.1 – Vertical Road Alignment**

The applicant requests a modification of the requirement to provide a minimum K Value of 15 as it pertains to the minimum vertical curve length of 75 feet for Jasmine Place. In the alternative, the applicant proposes a K Value of 10.01 and a vertical curve length of 50 feet.

The Township engineer recommends approval of this modification based upon the alternative and justification provided subject to PennDOT approval of the connection with Marietta Avenue.

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* the requested Modification of Section 602.I.1 – Vertical Road Alignment – based on the justification provided. The motion carried (5-0).

**C. Section 602.J - Horizontal Road Alignment**

The Applicant requests a modification of the requirement to provide a horizontal centerline radius of 150 feet for the roadway proposed within the development. Alternatively, they are proposing to construct the proposed street with centerline radii of 55 feet and 65 feet with the justification that the reduced centerline radii will allow for the efficient use of the developable area of the project site and the

proposed roadway configuration will accommodate the movement of vehicles visiting the site including fire trucks and garbage trucks.

The Township engineer recommend approval of this modification subject to the following conditions:

- i. Revise the driveways of Lots 55, 56, and 70 to eliminate the driveways within the easements and the potential for vehicles to obstruct a portion of the Safe Sight Stopping Distance Easement.
- ii. Provide metes and bounds descriptions of the Safe Sight Stopping Distance Easements and indicate easement restrictions on the plan.

**Action Required**

➤ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* Modification of Section 602.J – Horizontal Road Alignment - subject to the following conditions of the Township Engineer:

- i. Revise the driveways of Lots 55, 56, and 70 to eliminate the driveways within the easements and the potential for vehicles to obstruct a portion of the Safe Sight Stopping Distance Easement.
- ii. Provide metes and bounds descriptions of the Safe Sight Stopping Distance Easements and indicate easement restrictions on the plan.

The motion carried (5-0).

**D. Section 602.M - Curbs**

The Applicant requests a deferral of the requirement of improving/reconstructing High Ridge Road (T-366) and Marietta Pike (SR-0023) with curb along the road frontage until street reconstruction and sidewalk construction along Marietta Avenue will be completed. The applicant proposes to construct street widening and provide turning lanes at the development intersection in alignment with the intersection of Jasmine Place (T-718) and Marietta Pike (SR-00230). The justification is that the roads are adequate to allow for the movement of vehicles and providing curbing would be inconsistent with the surrounding development.

The Township engineer recommends approval of this deferral request 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 Kent Gardner to *approve* the deferral request 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 Homeowner’s Association at the time of such direction by the Township. The Homeowner’s Association shall be required to complete such construction, as directed by Township Officials, within six (6) months of the date of notice to do so.” The motion carried (5-0).

**E. Section 602.R.1.b - Clear Sight Triangles**

The Applicant requests a modification to provide a 65-foot by 75-foot Clear Sight Triangle in lieu of the required 100-foot Clear Sight Triangle on the west side of the intersection at proposed Jasmine Drive and Street A and Lot 39. The applicant justifies that the sight distance at the intersection is adequate for safe maneuvering, stop signs have been provided on Millie Lane, and a lot is not able to be established without the modification.

The Township engineer recommends approval of this modification based upon the alternative and justification provided with the condition the applicant demonstrates the intersection meets warrants for the proposed stop signs.

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* the requested Modification of Section 602.R.1.b - Clear Sight Triangles based on the justification provided. The motion carried (5-0).

**F. Section 602.N.2 - Sidewalks within the project**

The Applicant requests a modification of the requirement that sidewalks must be installed along both sides of the proposed streets and in the alternative provides sidewalk on one side of the street as indicated on the plan. The justification is the sidewalks on one side allow for movement of pedestrians within the site.

The Township engineer recommends approval of this modification based upon the alternative and justification provided.

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Robert Munro to *approve* the requested Modification of Section 602.N.2 - Sidewalks within the project – based on the alternative and justification provided. The motion carried (5-0).

**G. Appendix No. 18 - Slant Curb Detail**

The Applicant requests a modification of the requirement of providing slant curb consistent with the detail shown on Appendix No. 18. The applicant proposes the alternative of a modified slant curb design with a three inch “flat” section at the top of the curb. The applicant justifies that this condition is less likely to be damaged during use including plowing and movement across curb to driveways, the function of the curb is not impacted by the proposed modifications, and the proposed curb will be owned and maintained by an owner’s association.

The Township engineer recommends approval of this modification based upon the alternative and justification provided.

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Robert Munro to *approve* the requested Modification of Appendix No. 18 - Slant Curb Detail. The motion carried (5-0).

**H. Section 602.K.6.A and 602.N.2 - Improving Existing Streets and Improving Frontage with Sidewalks**

The Applicant requests a deferral of the requirement of improving/reconstructing High Ridge Road (T-366) and Marietta Pike (SR-0023) and constructing sidewalks along the frontage of these streets. The Applicant proposes to construct street widening and provide turning lanes at the development intersection in alignment with the intersection of Jasmine Place (T-718) and Marietta Pike (SR-00230). Sidewalks are proposed on one side of the street within the development.

The Township engineer recommends approval of this deferral request 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 Homeowner’s Association at the time of such direction by the Township. The Homeowner’s

Association 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 Kent Gardner to *approve* the deferral request 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.” The motion carried (4-1) with Mr. Munro voting nay.

**I. Section 604.F.4 and 604.F.5 - Flag Lot Configuration**

The Applicant requests a modification of the requirements for the number of continuous flag lots and the configuration of the flagpole. Three flag lots are proposed to be served from a single shared driveway which will allow for the use of the land on the south side of the site. The three flagpole portions of each lot have two changes in direction.

The Township engineer recommends approval of this modification based upon the justification provided subject to meeting the minimum safe stopping sight distance and with the condition that a shared ownership and maintenance agreement be provided for review and approval.

**Action Required**

➤ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* the requested Modification of Section 604.F.4 and 604.F.5 - Flag Lot Configuration - based upon the justification provided subject to meeting the minimum safe stopping sight distance and with the condition that a shared ownership and maintenance agreement of the shared access drive be provided for review and approval. The motion carried (5-0).

**J. Section 609.E.8 -- Street Tree Spacing**

The Applicant requests a modification of the requirement that a minimum of one street tree shall be provided for each residential lot and spaced not less than 40 feet nor more than 60 feet part along the entire length of each existing or proposed street. The applicant proposes to be compliant with providing the required number of street trees with an alternative spacing due to site layout constraints.



The Township engineer recommends approval of this modification based upon the alternative and justification provided with the condition the applicant provides safe sight distance exhibits that show any tree canopy within the safe sight stopping distance will not diminish the established available distances.

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the requested Modification of Section 609.E.8 - Street Tree Spacing - based upon the alternative and justification provided with the condition the applicant provides safe sight distance exhibits that show any tree canopy within the safe sight stopping distance will not diminish the established available distances. The motion carried (5-0).

**STORMWATER MANAGEMENT**

**K. Section 122-48.A.2.c – Loading Ratios**

The applicant is requesting a modification to allow for an increase in the allowable loading ratios of both overall area to basin treatment surface area and impervious area to basin treatment area for both Basin 1 and Basin 2. The current design results in an overall loading ratio of 45:1 and an impervious loading ratio of 10:1 for Basin 1 and an overall loading ratio of 55:1 and an impervious loading ratio of 13:1 for Basin 2. The Township Ordinance and NPDES criteria recommend 8:1 overall and 5:1 for impervious areas. The infiltration storage in the BMPs has been designed with a hydraulic depth of 18 inches to minimize compaction and to dewater within 72 hours.

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

**Action Required**

- **Motion** was made by Edward Fisher and seconded by Robert Munro to **approve** the requested Modification of Section 122-48.A.2.c – Loading Ratios – based upon the justification and alternative provided. The motion carried (5-0).

**Action Required**

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

F. UNFINISHED BUSINESS – None

G. NEW BUSINESS

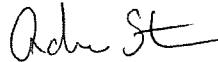
1. Resignation of Barry Carter from the Planning Commission, effective December 31, 2023. **Moved** by Robert Munro, second by Kent Gardner and carried (5-0) to **accept** the resignation of Barry Carter from the Planning Commission, effective December 31, 2023.
2. Police Heart & Lung Policy - Andrew Stern explained the background, purpose and administration procedures for the Policy which provides salary replacement and certain benefits to police officers who are injured in the performance of their duties and, as a result, are temporarily incapacitated from performing their duties. **Motion** was made by Robert Munro and seconded by Kent Gardner) to **adopt** the Police Heart & Lung Policy as presented and discussed. The motion carried unanimously (5-0).
3. LCWC911 Tower Lease. Andrew Stern referred to his memo dated November 30, 2023 and specifically discussed two items of note: The Amount and Term of the lease. He reported that the West Hempfield Township and Lancaster County Solicitors are finalizing the lease and recommended it be adopted. **Motion** was made by Robert Munro and seconded by Edward Fisher to **adopt** the new lease agreement with Lancaster County. The motion carried (5-0).
4. Lancaster County Conservation District, MOU for Construction Services. Andrew Stern explained the MS4 requirements. **Motion** was made by Robert Munro and seconded by Edward Fisher to **adopt** the Lancaster Conservation Distribution District MOU for Construction Services. The motion carried (5-0).
5. Non-Uniformed Employee Continuing Education Reimbursement Policy. Andrew Stern reviewed several policy restrictions. **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the Non-Uniformed Employee Continuing Education Reimbursement Policy as provided and explained. The motion carried unanimously (5-0).
6. PPL Temporary Job Site Agreement for WHT Public Works Facility. **Withdrawn**

H. ORDINANCES AND RESOLUTIONS

1. Resolution 13-23: 2024 Tax Rate - **Moved** by Robert Munro, second by Kent Gardner and carried (5-0) to **adopt** Resolution 12-23: 2024 Tax Rate.
2. Resolution 14-23: 2024 Budget – Moved by Robert Munro, second by Kent Gardner and carried (5-0) to **adopt** Resolution 14-23: 2024 Budget.

3. Ordinance 4-23: Amendments to Police Pension DROP Provisions. Moved by Kent Gardner, second by Robert Munro and carried (5-0) to **adopt** Ordinance 4-23: Amendments to Police Pension DROP Provisions.
  
- I. APPROVAL OF PAYABLES - **Moved** by Kent Gardner and seconded by Robert Munro to **approve** payment of all bills between November 1, 2023 and November 30, 2023 and any residuals that may be forthcoming. Motion carried unanimously (5-0).
  
- J. GOOD OF THE ORDER
  - ❖ *THERE WILL NOT BE A MUNICIPAL AUTHORITY MEETING THIS MONTH*
  
  - ❖ **UPCOMING MEETING:** Tuesday, January 2, 2024, Reorganization & Regular Meeting. 7:00 p.m.
  
- K. ADJOURNMENT - Chairman Dumeyer requested a motion to adjourn the Board of Supervisors meeting into Executive Session for a personnel matter at 8:28 p.m.
  - Robert Munro **moved**, seconded by Kent Gardner to **adjourn** the Board of Supervisors meeting into Executive Session for a personnel matter at 8:28 p.m. Motion carried unanimously (5-0).

Respectfully submitted,



Andrew Stern,  
Township Manager

