

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of September 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; Finance/HR Director Amy Slutter; Public Works Director Dale Getz; Police Chief Lisa Layden; Township Engineer Melissa Kelly; Township Solicitor Joselle Cleary and Court Stenographer Rhonda Adams. 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. EXECUTIVE SESSION – Chairman Dumeyer announced an Executive Session was held at 6:30 p.m. on this date to discuss a legal matter.

C. PUBLIC HEARING

Conditional Use #90, Buterbaugh & Chatsworth HOA, 702 Bridle Wreath Lane, seeking modification of conditions from 2006 approval related to open space. Chairman Dumeyer opened the Hearing at 7:05 p.m., introduced the Board and various other representatives of the Township in attendance, and reviewed the procedures to be followed during the Hearing. Dwight Yoder, Esq., was present on behalf of the applicants, Steven P. Buterbaugh and Chatsworth HOA who are seeking modification of conditions 3 and 17 of the Conditional Use Decision dated November 6, 2006 to build a garage behind the existing barn and garage in the Open Space of Lot 38 to store equipment to continue to maintain the property.

Dwayne Steager, Township Zoning Officer, was sworn in and attested that notice of the Hearing was duly advertised and posted in accordance with the PA Municipalities Planning Code and the West Hempfield Township Zoning Ordinance, proof of publication and photos of the property posting, and all exhibits were marked and entered into the record. Applicant Steven Buterbaugh and Eric Brown representing the Chatsworth HOA Board of Directors, were sworn in and provided testimony. A Court Stenographer was present to record testimony, and the stenographic transcript will be the official record of the Hearing.

Attorney Yoder distributed exhibits and provided a brief summary. Mr. Buterbaugh explained what he wished to construct and the purpose for it and Mr. Brown confirmed the Homeowners Association is in agreement with Mr. Buterbaugh's proposal. After all testimony was heard, there was discussion involving position of proposed garage not being permitted in front yards, alternatives for storage other than a new garage, maintenance expenses and responsibilities. After all testimony was heard and there being no further questions or comments (Board or

Public), the Hearing was closed at 8:16 p.m. by motion of Robert Munro, second by Edward Fisher and carried (5-0) by the Board.

Motion was made by Edward Fisher and seconded by Kent Gardner to **TABLE** decision for Conditional Use #90, Buterbaugh & Chatsworth HOA, 702 Bridle Wreath Lane, until next month’s Supervisor’s meeting to allow time to review the record and have further discussion with Counsel to confirm legality. The motion carried (5-0).

D. APPROVAL OF MINUTES

1. August 3, 2023. **Motion** was made by Robert Munro and seconded by Edward Fisher to **approve** the August 3, 2023 Regular Meeting Minutes as amended. The motion carried (5-0).

E. COMMUNICATIONS

1. Board of Supervisors – Edward Fisher expressed appreciation for the work done at Grubb Lake last month.
2. Township Manager - Andrew Stern reviewed his written report. *Updates and/or comments are added in bold italics to the corresponding items in the report.*

INTERNAL MATTERS

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

	2021 YTD	2022 YTD	2023 YTD
EIT	1,829,782	1,977,415	2,057,559
LST	242,305	212,164	237,399
OTHER	1,078	2,345	11,955
NON-RESIDENT	21,148	31,831	41,459
TOTAL	\$ 2,094,313	\$ 2,223,755	\$ 2,348,372

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

2. **Office Hours.** Summer hours end September 1. We return to our normal M-F 8:00 – 4:30 pm hours on Tuesday, September 5 (we are closed Monday for Labor Day). *There have been no complaints from the public about being closed on Fridays and staff appreciated the summer hours.*
3. **Traffic Engineer.** On August 10, Dave Dumeyer, Ed Fisher and our staff interviewed three firms. In early September we will be conducting second interviews with two of the firms. We hope to have a recommendation to the whole Board in October.
4. **UCC Appeal, 323 Indian Head Road.** The decision, in the Township’s favor, is attached. The matter also remains before the WHT Zoning Hearing Board, which is expected to render a decision on the zoning aspects of this case on September 12, 2023.

EXTERNAL MATTERS

1. **Prospect at Concordia.** The Wertz house is being moved this week. *There is no taxpayers expense involved in this move.*
2. **Sycamore.** Construction work at the Sycamore project continues to present challenges for the Township and our residents. Our staff and engineers have been diligent in addressing issues as they arise.

PERSONNEL

1. **Staffing.** We remain fully staffed for all positions. *Staff is looking to change payroll providers and Mr. Stern will consult with the Board Chairman if it is necessary to make a final determination prior to the next Supervisors meeting.*

OUTSIDE BOARDS AND COMMITTEES

1. **LIMC.** The next meeting will be October 11, 2023, at Manheim Township.

CORRESPONDENCE

1. **Rapho Township.** We have received a “thank-you” letter from Rapho Township for our assistance after their building explosion July 5. *The Board appreciated receiving the letter.*
 2. **C-PACE.** We have received a letter from the Lancaster County Commissioners advising of their intent to vote on a resolution to adopt C-PACE for Lancaster County. This is a financing program for commercial energy efficient projects that will provide additional options for developers without a cost to taxpayers.
 3. **462 Bridge / COMCAST.** We have received a letter from Rettew advising us of their General Permit application for the relocation of COMCAST lines over the Susquehanna River.
 4. **COMCAST Broadband.** We have received a letter from COMCAST stating their intention to submit for PA COVID-19 Broadband funds.
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. It was noted that EMS responses are up and Chairman Dumeyer asked how much cross-over there is between neighboring townships. Mr. Stern reported that, in general, there is only one ambulance in our Township and it is often on calls. We are very lucky to have Penn State.
- 5 Township Engineer's Report – Melissa Kelly reviewed her written report and highlighted the following:
 - Chiques Creek Streambank Stabilization/ Stormwater BMP Project. The estimated cost of the streambank fencing at 940 Farmdale Road is estimated at \$10,000 and the property owner, Jonas Stoltzfus, is paying this out of his own pocket.
 - Grub Lake Stormwater Diversion Project – The Surveyors were out this week for stake-out work.
 - Marietta Avenue Improvement concepts have been provided and awaiting further direction from the Township.
- 6 Residents
 - Phil Smith – Explained issues and work going on around the lower pavilion at Grubb Lake, Mudd Lake and Purple Lake.
 - Donna Bushong, Meadow Lane – Expressed concerns about homeless people soliciting motorists at road exits in West Hempfield Township, and semi-trucks on roads where they should not be. Mr. Stern noted there are fewer trucks than several years ago and explained there are issues with State law that affect the Township and its abilities to address issues on State roads and described the processes required by the police department. Improvements are in the works and hopefully will make things better. In addition, both East and West Hempfield Township are trying to be more consistent with placement of truck signs.
 - Jay Lohman, Ironville Pike – concerns with safety at the intersection of Prospect Road and Ironville Pike. He would like to see speed tables in that area. He wished to go on record that a police officer is welcome to sit in his driveway anytime to observe this issue.

F. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

1. **WHT 02-2023 The Preserve at Silver Spring (90 days: October 3, 2023)**

Preliminary/Final Land Development Plan & Lot add on

Applicant: CBD Group, LLC

Location: 3733 Marietta Ave.

Zone: TV – 8.35 acres

Site received a Conditional Use approval (CU-83) in September 2020. As shown on the plan, there are 80 apartment units, garages (to be used by the residents), parking, walking trails, and common open space. Currently, there are three lots which will be combined as part of this plan. The site is to be accessed from Marietta Avenue with a single full

movement access drive. An emergency access drive is also proposed on the west side of the site and will provide a connection from Marietta Avenue to the internal access drive. The proposed apartments will be served with public water and public sewer. Sewer capacity will be requested from Lancaster Area Sewer Authority following the completion of the Silver Spring pump station upgrade and water capacity will be requested from Columbia Water.

Attorney Dwight Yoder, Gibbel Kraybill & Hess and Steve Gergely, Harbor Engineering, were present representing the applicant, SBD Group, LLC to discuss the issue regarding sidewalks along Marietta Avenue. They are asking that the requirement for sidewalk access be deleted from the plan. The Supervisors addressed PennDOT regulations, township responsibility and indemnity, safety factors, traffic speed, and the importance of park access to the community. The Board was clear that they would like to see the sidewalk as per the Conditional Use condition.

No Action is Required

2. WHT 07-2023 Taylor Chip 90 days: (November 15, 2023)

Preliminary/Final Land Development Plan

Applicant: Taylor Chip

Location: 1780 Columbia Ave.

Zone: C-1 – 3.1307 acres

Lindsay Gerner, Township Director of Planning, provided a briefing on the Taylor Chip Land Development plan to construct a 20,000 square foot building that contains 17,000 square feet to be used for production and shipping of cookies and related product, as well as 3,000 square feet to be used for retail sales and limited tables. An HOP is in process for the new drive onto Columbia Ave. The property will be served by public water and sewer.

No Action is Required

3. 4308 Marietta Ave

Stormwater Management Plan

Applicant: Devine

Location: 4308 Marietta Ave

Zone: RA

The Board of Supervisors of West Hempfield Township considered the above referenced Storm Water Management Plan at the regular meeting on January 3, 2022 and conditionally approved the plan. The design did not meet test specifications at installation and consequently, the engineer and contractor tried an alternative plan. Since the redesign did not receive pre-approval, the applicant has returned to the Board for approval. The resubmittal includes a revised O&M Agreement to be reviewed by the Township's solicitor. The Township Engineer has recommended approval of the

revised Stormwater Management Plan. Randy Doutrich, PE, Doutrich Engineering was present on behalf of the applicant and presented the revised plan.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the Resubmitted Stormwater Management Plan and the accompanying Operations and Management Agreement with the condition that all outstanding comments and review meet the approval of staff, the Township Engineer and the Township solicitor. The motion carried (5-0).

**4. 4320 Marietta Ave
Stormwater Management Plan
Applicant: Moore
Location: 4320 Marietta Ave
Zone: RA**

The Board of Supervisors of West Hempfield Township considered the above referenced Storm Water Management Plan at the regular meeting on January 3, 2022 and conditionally approved the plan. The design did not meet test specifications at installation and consequently, the engineer and contractor tried an alternative plan. Since the redesign did not receive pre-approval, the applicant has returned to the Board for approval. The resubmittal includes a revised O&M Agreement to be reviewed by the Township's solicitor. The Township Engineer has recommended approval of the revised Stormwater Management Plan. Randy Doutrich, PE, Doutrich Engineering was present on behalf of the applicant and presented the revised plan.

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the Resubmitted Stormwater Management Plan and the accompanying Operations and Management Agreement with the condition that all outstanding comments and review meet the approval of staff, the Township Engineer and the Township solicitor. The motion carried (5-0).

G. UNFINISHED BUSINESS - None

H. NEW BUSINESS

1. Fire Police Request, East Petersburg Day Parade, September 23, 2023. **Moved** by Kent Gardner, second by Robert Munro and carried (5-0), to **approve** the Fire Police Request, East Petersburg Day Parade, September 23, 2023, as presented.
2. Fire Police Request, Manheim Farm Show Parade, October 11, 2023. **Moved** by Kent Gardner, second by Edward Fisher and carried (5-0), to **approve** the Fire Police Request, Manheim Farm Show Parade, October 11, 2023.

3. 2024 MMO, Acknowledge Receipt. **Moved** by Robert Munro, second by Kent Gardner and carried (5-0) to **acknowledge** receipt of 2024 MMO amounts for 2024.
4. Natural Gas Contract. **Moved** by Robert Munro, seconded by Kent Gardner and carried (5-0) to **approve** the natural gas contract for 36 months as recommended by staff.
5. Fairview and Silver Spring Park Discussions, HYA. **Moved** by Robert Munro, second by Edward Fisher and carried (5-0) to **TABLE** to next Supervisors meeting to allow time to gather more information.
6. Schedule 2024 Budget Work Session. The 2024 Budget Work session was scheduled for 10:00 a.m., October 30, 2023.

I. ORDINANCES AND RESOLUTIONS – None

- J. APPROVAL OF PAYABLES - **Moved** by Kent Gardner and seconded by Robert Munro to **approve** payment of all bills between August 1, 2023 and August 31, 2023 and any residuals that may be forthcoming. Motion carried unanimously (5-0).

K. GOOD OF THE ORDER


- There Will **Not** Be a Municipal Authority Meeting This Month.
- **UPCOMING MEETING:** Tuesday, October 3, 2023 Regular Meeting

- L. ADJOURNMENT - Chairman Dumeyer requested a motion to adjourn the Board of Supervisors meeting at 9:44 p.m.

- Robert Munro **moved**, second by Kent Gardner to **adjourn** the Board of Supervisors meeting at 9:44 p.m. Motion carried unanimously (5-0).



Respectfully submitted,


Andrew Stern,
Township Manager