

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of February 6, 2024

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 Barry Carter, Edward Fisher, Kent Gardner, and Robert Munro were present at the meeting. Also in attendance were Finance/HR Director Amy Slutter; Land Use Director Dwayne Steager; Planning Director Lindsay Gerner; Public Works Director Dale Getz; Chief of Police Lisa Layden, and Township Engineer Melissa Kelly. Township Manager Andrew Stern and Recording Secretary Judy Carrier were in attendance remotely via Zoom.

Chairman Dumeyer announced the following:

- Township Manager Andrew Stern is on medical leave.
- An Executive Session for police personnel issues will be held immediately following tonight's Supervisors meeting.
- There will be no Municipal Authority meeting this month.

A. CALL TO ORDER – Chairman Dumeyer called the meeting to order at 7:00 p.m. with a moment of silence and the pledge of allegiance.

B. POLICE RETIREMENT: Detective Thomas Zeigler. Chairman Dumeyer read Resolution #8-24 honoring the service of Detective Thomas J. Ziegler on the occasion of his retirement from the West Hempfield Township Police Department and Chief Layden reviewed Detective Zeigler's exemplary service background.

1. Resolution # 8-24. **Moved** by Kent Gardner, second by Robert Munro and carried unanimously (5-0) to **adopt** Resolution # 8-24 honoring the service of Detective Thomas Zeigler.

The Board of Supervisors acknowledged and applauded Detective Zeigler's contributions, dedication and faithful service to West Hempfield Township and to its residents and presented Resolution #8-24 and plaque in grateful appreciation for his 29 years of service. Detective Ziegler thanked the Supervisors for the honor to serve the Township and a short recess was taken to allow an opportunity for photographs.

C. APPROVAL OF MINUTES

1. January 02, 2024 Regular Meeting
Moved by Robert Munro, second by Kent Gardner to **approve** the January 2, 2024 Regular Meeting minutes as presented. Motion carried (5-0).
2. January 15, 2024 Special Meeting
Moved by Robert Munro, second by Kent Gardner to **approve** the January 15, 2024 Special Meeting minutes as presented. Motion carried (5-0).

D. COMMUNICATIONS

1. Board of Supervisors – Kent Gardner reported Manor Township will be hosting LIMC at 7:30 a.m., Wednesday, February 21, 2024.
2. Township Manager – Amy Slutter reviewed the Manager’s Report and responded to questions pertaining to the decrease in EIT revenue. She also explained the decision to use ARPA funds for the bi-weekly payroll and allocate to payroll to comply with the terms for use imposed by the Federal Government.

INTERNAL MATTERS

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

	2022 YTD	2023 YTD	2024 YTD
EIT	114,581	116,185	103,838
LST	3,782	6,184	5,588
OTHER	112	859	2,132
NON-RESIDENT	870	20	193
TOTAL	\$119,345	\$123,248	\$111,751

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

2. **GASB 75.** Our GASB 75 report for the year ending December 31, 2023, has been completed by our actuary, Conrad Siegel. A copy is attached. This report determines the unfunded liability of our post-retirement healthcare benefits. Our Actuary has noted: “The Actuarial Accrued Liability has decreased significantly because of the higher interest rates and lower health care costs for retirees.” We are not currently required to fund this liability, as we have chosen to “pay as we go.”
3. **State Liquid Fuels Audit.** The Pennsylvania Auditor General’s Office completed their audit of our liquid fuels fund. We had no findings. The audit went smoothly and efficiently. Thank you to my staff for their assistance with this.
4. **Dirt, Gravel, and Low Volume Road Maintenance Grant.** We have applied for a \$52,967 grant to pave Meadow Road. We will be contributing \$25,210 “in-kind”.
5. **ARPA.** The rules for ARPA remain confusing and every changing. After consultation with PSATS and our auditors, we have decided to begin using ARPA funds for our bi-weekly payroll. We originally reported our ARPA funds as “revenue loss”, which obviously has nothing to do with expenses. But the feds still want to know how we used it. The easiest way to show we used it is to allocate it to payroll. At the end of the day, it’s just an accounting exercise with the goal to comply with the terms the Feds have imposed.

EXTERNAL MATTERS

Nothing to report at this time.

PERSONNEL

1. **Staffing.** We remain fully staffed for all positions.
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.** Manor Township will be hosting LIMC at 7:30 am, Wednesday, February 21, 2024. 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

Police – Chief Layden reviewed her written report and had nothing further to add.

Public Works - Dale Getz reviewed his report with emphasis on preparations and clean-up related to the snowstorms and reported everything is ready for the next storm.

Zoning/Land Use – Dwayne Steager reviewed his written report. Edward Fisher noted that the number of walk-ins has dropped off.

Fire – 2023 Year-End Reports were received from Mountville and West Hempfield. Chief Joseph Ney commented on the need to have a plan in place to search for additional fire fighters and there was discussion regarding possible training.

EMS – No representative was present and no written report was received.

5. Township Engineer's Report – Melissa Kelly reviewed her written report and responded to questions about the Chiques Creek and Roller Mill Dam projects. The Growing Greener – Stony Battery Road construction budget vs bids was also discussed.
6. Residents –Resident Mark Rodkey, Prospect Road, commented on the police reports and inquired as to outside review of reports.

E. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

1. **WHT 02-2023 The Preserve at Silver Spring (90 day + Ext: February 13, 2024)
Preliminary/Final Land Development and Lot add-on Plan**

Applicant: CBD Group LLC
Location: 3733 Marietta Ave
Zone: TV – 8.35 acres

The applicant proposes to combine 3 lots into one and to develop the site with 80 for rent multi-family units. The applicant received a Conditional Use approval (case 86) in January 2022 to allow for 80 multi-family dwelling units to be constructed.

Steve Gergely, RLA, Project Engineer, Harbor Engineering, Inc., was present on behalf of the applicant, CBD Group LLC. Mr. Gergely reviewed correspondence dated January 4, 2024 from Dwight Yoder, Esq., Gibble Kraybill & Hess, provided clarification of the requested modifications and responded to questions and comments from the Supervisors.

Requested Modifications:

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

a. **Section 305 – Preliminary Plan Processing**

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

The Township Engineer recommends 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 Kent Gardner to **approve** the requested Modification of Section 305 Preliminary Plan Processing based upon the justification provided. Motion carried (5-0).

b. **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 40 feet (1"=40').

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 Robert Munro to **approve** the requested Modification of Section 404.A.1- Plan Scale based upon the justification provided. Motion carried (5-0).

c. **Section 404.C.3 – Existing Features**

The applicant has requested a modification of the requirement to provide existing significant features within 200 feet of the subject tract and in the alternative has provided detailed survey for areas of improvement immediately adjacent to the property.

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

Action Required

- **Motion** was made by Edward Fisher, seconded by Robert Munro to **approve** the requested Modification of Section 404.C.3- Existing Features based upon the justification provided. Motion carried (5-0).

d. **Section 602.K.6 – Reconstruction of Marietta Avenue to Centerline**

The applicant has requested a modification of the requirement to fully reconstruct Marietta Avenue abutting the development and, in the alternative, allow for a mill and overlay to the centerline of Marietta Ave. In addition, the curb and sidewalk improvements will provide a full depth paving section for the road widening and will be approved by PennDOT as part of a Highway Occupancy permit plan submittal.

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 Robert Munro to **approve** the requested Modification of Section 602.K.6 – Reconstruction of Marietta Avenue to Centerline based upon the justification provided. Motion carried (5-0).

e. **Section 602.M- Curbs**

The applicant has requested a modification of the requirement to provide curbs to be constructed at eight inches high and in the alternative provide six-inch-high curb for the internal parking areas and access drive which will be privately owned and maintained.

The Township Engineer recommend approval of this modification 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 602.m – curbs based upon the justification provided. Motion carried (5-0).

f. **Section 602.Q.5- Intersection Radius**

The applicant has requested a modification of the requirement to provide a minimum radius of 35 feet at the access drive intersection with Marietta Avenue (collector street) and instead has provided radii of 15 feet. The applicant indicates that Marietta Avenue is a state road and subject to PennDOT approval that a trash truck can easily maneuver the access.

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 Robert Munro to *approve* the requested Modification of Section 602.Q.5- Intersection Radius based upon the justification provided. Motion carried (5-0).

g. **Section 603.A- Parking Compounds**

The applicant is requesting a modification of the requirement to provide parking spaces at a minimum size of nine feet wide by 20 feet long and in the alternative is proposing the parking spaces to be nine feet wide by 19 feet long, which is consistent with the zoning ordinance.

The Township engineer recommends approval of this modification request based on 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 603.A- Parking Compounds based upon the justification provided. Motion carried (5-0).

h. **Section 603.C- Off-Street Parking Horizontal Curves**

The applicant is requesting a modification of the requirement to provide five-foot curve radii for horizontal curves in parking areas and is providing some curbed islands with a four-foot curve radius, which is consistent with the zoning ordinance.

The Township engineer recommends 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 requested Modification of Section 603.C- Off-Street Parking Horizontal Curves based upon the justification provided. Motion carried (5-0).

STORMWATER MANAGEMENT

i. Section 122-43.Q.1.a Stormwater Facilities Near Sinkholes

The applicant is requesting a modification of the requirement that no stormwater management facilities be placed in, over, or within 100 feet of sinkholes. In the alternative, the applicant has designed infiltration basins near identified sinkholes in consultation with the geologist and has subsequently repaired the referenced sinkholes under the geologist's supervision.

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 122-43.Q.1.a Stormwater Facilities Near Sinkholes based upon the justification provided. Motion carried (5-0).

j. Section 122-46.D.a.3- Pipe Cover

The applicant is requesting a modification of the requirement to provide all storm sewer pipes subject to vehicular loading with a minimum 12 inches of cover to stone subgrade, and in the alternative proposes the pipe from I-B8 to I-B7 to have approximately 10 inches of cover and to be Class V RCP.

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 122-46.D.a.3 Pipe Cover based upon the justification provided. Motion carried (5-0).

k. Section 122-48.A.2.c – Loading Ratios

The applicant is requesting a modification of the requirement to limit the loading ratios for stormwater management facilities underlain by Karst geology to 3:1 impervious drainage area to infiltration area and 5:1 total drainage area to infiltration area. In the alternative, Basin One will have a 7:1 total drainage area and 4.1:1 impervious drainage area to infiltration area loading ratios, and Basin Two will have a 7.6:1 total drainage area and 4.3:1 impervious drainage area to infiltration area loading ratios.

The Township engineer recommends approval of this modification request based upon the justification and alternative provided and with the condition the plans state a professional geologist or geotechnical engineer, in addition to the Township, shall be contacted upon the discovery of any sinkhole or carbonate geology formations during construction of the stormwater management facilities.

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 provided. Motion carried (5-0).

Action Required:

- **Action on Sidewalk (per letter from Dwight Yoder)**
 - **Motion** was made by Edward Fisher and seconded by Kent Gardner to *authorize* the Solicitor to condemn construction easement for sidewalk, Marietta Avenue at Hempfield Hill Road. Motion carried (5-0).
- **Action on Plan**
 - **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* the Land Development Plan and that all remaining outstanding engineering comments are resolved to the satisfaction of Township Staff and the Township Engineer. Motion carried (5-0).

2. **WHT 10-2023 1037 Prospect Rd-Miller
Major Storm Water Management Plan**
Applicant: Layne and Kathryn Miller
Location: 1037 Prospect Road
Zone: R-A – 4.36 acres

The applicants are the owners of 1037 Prospect Road, a 4.36 acre lot located in the RA Zoning District. They are proposing a driveway expansion, garage addition, living room addition, deck, patio and associated stormwater facilities to their existing single-family dwelling. The lot is served by on-lot water and sewer. Todd Smeigh, D. C. Gohn Associates presented the proposed expansions to the property located at 1037 Prospect Road. Mr. Layne Miller, owner of the property, was present and responded to questions and comments from the Board.

Action: *TABLED* on motion of Edward Fisher, seconded by Kent Gardner and carried (5-0) to be revisited at the next supervisors meeting, March 5, 2024.

3. **WHT 11-2023 DDP Enterprises, Inc.**
Applicant: DDP Enterprises, c/o Dennis Funk
Location: Klinsville and Kinderhook Roads

Zone: Rural Residential 45.6 acres

There are 3 parcels located in the Rural Residential Zone. The lot lines of two of the existing parcels will be reconfigured to make them conforming lots and the other parcel will be subdivided into 5 lots. All lots will be served by on-lot water and public sewer. The sewer lines will also be extended to neighboring properties that wish to connect. Three of the lots will be served by existing driveways, the other 4 lots will utilize a shared driveway which was granted approval by the Zoning Hearing Board on May 9, 2023.

Lindsay Gerner provided background and responded to questions and comments from the Board.

Action Required

No action required at this time.

F. UNFINISHED BUSINESS – None

G. NEW BUSINESS

1. Resignation of Rick Delgiorno from the Board of Auditors.
 - **Motion** was made by Robert Munro and seconded by Kent Gardner to **accept** the resignation of Rick Delgiorno from the position of Auditor on the Board of Auditors effective January 3, 2024. The motion carried (5-0).
2. Silver Spring Culvert: Award Contract to Lowest Bidder. Dale Getz reviewed the results of the February 5, 2024 bid opening for the construction of the Silver Spring Culvert and recommended acceptance of the lowest bid in the amount of \$82,437 received from Monarch Products Company.
 - **Motion** was made by Edward Fisher and seconded by Robert Munro to **award** the contract for the construction of the Silver Spring Culvert to Monarch Products Company for \$82,437 and to use ARPA funds from the General Fund for this project. The motion carried (5-0).
3. Paving Bid: Award Contract to Lowest Bidder. Dale Getz reviewed the results of the February 2, 2024 bid opening for Paving and recommended acceptance of the lowest bid in the amount of \$396,845.46 received from Highway Materials, Inc.
 - **Motion** was made by Edward Fisher and seconded by Kent Gardner to **award** the contract for Paving to Highway Materials, Inc., in the amount of \$396,845.56 for application of bituminous delivered in place, to be paid out of Liquid Fuel Funds. The motion carried (5-0).
4. Acknowledge receipt of Donna and Neil Bushong to add 1101 Malleable Road (former Nikolaus tract) to Agricultural Security Area.
 - **Motion** was made by Edward Fisher and seconded by Kent Gardner to **acknowledge** receipt of notice and copy of an Agricultural Security Area Declaration submitted by Neil and Donna Bushong who would like to add their

new property 1101 Malleable Road (former Nikolaus property) to the Township's established Agricultural Security Area and to follow the Township's historical approach to wait out the 180-day limit for Township action and thus declaring the ASA application approved. The motion carried (5-0).

H. ORDINANCES AND RESOLUTIONS - None

I. APPROVAL OF PAYABLES - **Moved** by Kent Gardner and seconded by Robert Munro to **approve** payment of all bills between January 1, 2024 and January 31, 2024 and any residuals that may be forthcoming. The motion carried (5-0).

J. GOOD OF THE ORDER

- ✓ **Upcoming Meeting:** Tuesday, March 5, 2024 Regular Supervisors Meeting 7:00 p.m.
- ✓ There will be **NO** Municipal Authority meeting this month.

K. ADJOURNMENT – Chairman Dumeyer requested a motion to adjourn the Board of Supervisors meeting into Executive Session for a personnel matter at 8:31 p.m.

- **Motion** was made by Robert Munro and seconded by Kent Gardner to **adjourn** the regular monthly Supervisors meeting into executive session to discuss a personnel matter at 8:31 p.m. The motion carried (5-0).

Respectfully submitted,



Andrew Stern,
Township Manager

