

WEST HEMPFIELD TOWNSHIP SUPERVISORS' MEETING
Minutes of January 6, 2014

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Monday, January 6, 2014. David Dumeyer along with Board members Frank Burkhart, Edward Fisher, Kent Gardner and Naomi Martin were present. Also in attendance were: Ron Youtz, Township Manager; Chief Mark Pugliese, Police Department, Dale Getz, Public Works Director; Jodi Heffner, Zoning Officer and Brenda Shuey, Recording Secretary.

Reorganization Meeting

I. CALL TO ORDER:

Chairman David Dumeyer called the meeting to order at 7:30 p.m. and led with the Pledge of Allegiance.

Chairman Dumeyer announced that immediately following this meeting, the Board will conduct an Executive Session to discuss a personnel matter.

II. Nomination and Election of Officers

David Dumeyer called the Reorganizational meeting to order and entertained nominations for Temporary Chairman.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to nominate Edward Fisher as Temporary Chairman. Motion carried. 5-0.

David Dumeyer turned over the meeting to Edward Fisher who entertained nominations for the Office of Chairman of the Board.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to nominate David Dumeyer to serve as Chairman. Frank Burkhart moved, seconded by Kent Gardner, to close the nominations. David Dumeyer was declared Chairman by a unanimous vote.

David Dumeyer then proceeded with the nomination of Vice-Chairman.

Motion: Kent Gardner moved, seconded by Naomi Martin, to nominate Edward Fisher as Vice Chairman. Frank Burkhart moved, seconded by Kent Gardner to close the nominations. Edward Fisher was declared Vice-Chairman of the Board by a unanimous vote.

III. Appointment of Secretary-Treasurer and Assistant Secretary-Treasurer

Motion: Edward Fisher moved, seconded by Kent Gardner, to appoint Ron Youtz as Secretary-Treasurer. Carried 5-0.

Motion: Edward Fisher moved, seconded by Kent Gardner, to appoint Brenda Shuey as Assistant Secretary-Treasurer. Carried 5-0.

IV. Appointment of Solicitor

Motion: Frank Burkhart moved, seconded by Kent Gardner, to appoint Josele Cleary of the law firm of Morgan, Hallgren, Crosswell and Kane as Solicitor. Carried 5-0.

V. Appointment of Engineer – David Dumeyer reclude himself from the vote.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to appoint Benton Webber of Rettew Associates to serve as Township Engineer and to allow the option of various projects to be outsourced to other Engineering firms. Carried 4 yea's and 1 abstained.

VI. Appointment of Sewage Enforcement Officer and Alternate

Motion: Edward Fisher moved, seconded by Kent Gardner, to appoint Marvin Stoner as Sewage Enforcement Officer and to appoint David Lockard as Alternate Sewage Enforcement Officer. Carried 5-0.

VII. Appointment of Auditor for 2013

Motion: Kent Gardner moved, seconded by Frank Burkhart, to appoint Bertz & Hess as Certified Public Accountants to audit the Townships 2013 financial records. Carried 5-0.

VIII. Appointment to Zoning Hearing Board

Motion: Kent Gardner moved, seconded by Frank Burkhart, to appoint Daryl Peck to a three-year term on the Zoning Hearing Board. Carried 5-0.

IX. Appointment of Solicitor to Zoning Hearing Board

Motion: Edward Fisher moved, seconded by Frank Burkhart, to appoint Matthew Crème of Nikolaus & Hohenadel as Solicitor to the Zoning Hearing Board. Carried 5-0.

X. Appointment of Alternate Solicitor to Zoning Hearing Board

Motion: Edward Fisher moved, seconded by Kent Gardner, to appoint Julie Miller of Russell, Krafft & Gruber as Alternate Solicitor to Zoning Hearing Board.

XI. Appointments to Planning Commission

Motion: Edward Fisher moved, seconded by Kent Gardner, to reappoint John Rodman and Alice Yoder to four-year terms on the Planning Commission. Carried 5-0.

XII. Appointment to Land Use Advisory Board/LIMC

Motion: Kent Gardner moved, seconded by Edward Fisher, to appoint Tony Crocamo to the Land Use Advisory Board/LIMC. Carried 5-0.

XIII. Appointment of Voting Delegate to PSATS State Convention

Motion: Kent Gardner moved, seconded by Frank Burkhart, to appoint Ron Youtz as voting delegate to the State Convention. Carried 5-0.

XIV. Designation of Depository for Township Funds

Motion: Edward Fisher moved, seconded by Kent Gardner, to designate Union National Community Bank, Landisville Branch, as the depository for Township Funds. Carried 5-0.

XV. Setting of Bond Amount

Motion: Edward Fisher moved, seconded by Kent Gardner, to set the bond amount for 2014 at \$1,500,000.00. Carried 5-0.

XVI. Establishment of Monthly Meeting Location and Dates

Motion: Frank Burkhart moved, seconded by Kent Gardner, to establish the meeting schedule for 2014 for the first Tuesday of each month and to hold the November meeting on Thursday, November 6th. All meetings to begin at 7:30 p.m. at the Township Municipal Building. Carried 5-0.

XVII. Adjournment of Reorganization Meeting

Motion: Kent Gardner moved, seconded by Frank Burkhart, for adjournment of the Reorganizational meeting at 7:45 p.m. Carried 5-0.

Regular Monthly Meeting

I. APPROVAL OF MINUTES:

Motion: Frank Burkhart moved, seconded by Kent Gardner, to approve the minutes from the December 3, 2013 regular board meeting as presented. Motion carried, 5-0.

II. COMMUNICATIONS:

A. BOARD OF SUPERVISORS

- i. Kent Gardner informed the Board that the LIMC has received a grant to create a bicycle community. There is a possibility of installing bike paths that could

- connect several communities together.
- ii. Kent Gardner reminded the Board that on February 4th the EFC will hold a workshop that will consist of the six municipalities to discuss the MS4 regulations. The meeting will be held at Manheim Township Library at 9 a.m.
- iii. Edward Fisher and the entire Board publicly thanked the road crew for the outstanding service provided during the many winter storms.
- iv. Kent Gardner stated that there are no more grants for studying MS4 growing greener projects, he stated that funds will be available for “Shovel Ready Projects”.

B. TOWNSHIP MANAGER

- i. Ron Youtz asked to add one item to the agenda under New Business item C. “Brittany Fatta – Request use of Township Road for a benefit event”.
- ii. Township Manager, Ron Youtz reported as a reminder the Elected Auditors meeting will be on Tuesday, January 7, 2014 at 7:00 PM.
- iii. Mr. Youtz reminded the Board of the joint workshop meeting with the Planning Commission is scheduled for Thursday, January 16, 2014 to begin at the conclusion of their regular meeting.

C. RESIDENTS

- i. No residents commented.
- ii. Barry Carter presented the Board with a copy of the December 2013 fire company activity report. He also announced that effective 1/1/14, Jason Sauder is the Fire Chief, and he is now the Deputy Fire Chief and will be the liaison between both entities.
- iii. Chief Gantz of Mountville Fire Company was present and announced that his yearend report will be available by the March Board meeting.

III. SUBDIVISION, LAND DEVELOPMENTS, AND PLANNING MODULES:

A. GLENN R. & RUTH E. BUSHONG – 50 MEADOW ROAD – STORM WATER MANAGEMENT PLAN – BRIEFING.

Jodi Heffner, Zoning Officer, informed the Board that the applicants own an existing dairy operation and is proposing to construct a 45’x433’ heifer barn with an under floor manure storage pit. The proposed project will include the construction of gravel driveway and storm water management controls.

Ms. Heffner also stated to allow the construction of the new heifer barn; the applicants had received zoning approval for a special exception which allows for a 21% expansion of their non-conforming use.

Ron Youtz, Township Manager informed the Board that they had submitted their plan to the County Conservation District and the applicants have received comments from the County review.

B. ALL SIZE CORRUGATED PRODUCTS – 3950 CONTENENTAL DRIVE – REQUEST FOR REDUCTION IN FINANCIAL SECURITY.

Jodi Heffner, Zoning Officer informed the Board that a letter from Rettew Associates, dated December 11, 2013 states they have performed a site inspection and reviewed the documentation provided for the consideration for the reduction of All Size's financial security.

Ms. Heffner stated that Rettew Associates is recommending a \$617,645.00 reduction of All Size Corrugated Products original security amount of \$699,308.28. This reduction will leave a financial security balance of \$81,735.28.

Motion: Edward Fisher moved, seconded by Kent Gardner, to accept Rettew Associates recommendation and reduce All Size Corrugated financial security by \$617,645.00 which leaves a security balance for this project of \$81,735.28. Motion carried, 5-0.

C. RUTTER'S FARM STORE – HEMPLAND ROAD – REQUEST RELEASE OF FINANCIAL SECURITY.

Ron Youtz, Township Manager informed the Board that a request has been received from Rutter's Store requesting the release of their financial security balance of \$4,000.00. He stated that Rettew Associates by letter dated December 31, 2013, made site visits and also reviewed the documentation requesting the reduction. He stated that Rettew is recommending the release of the \$4,000.00 financial security contingent upon the developer dedicating all public right-of-way improvements to the Township in accordance with the Township Solicitor's directions and providing a Maintenance Financial Security in the amount of (15%) of the actual construction costs of the improvements. Mr. Youtz stated that this documentation still has to be submitted to the Township and Engineer for review.

Ron Youtz, Township Manager stated that in-lieu of the documentation, Rettew Associates is recommending a Maintenance Financial Security in the amount of \$13,597.43 be provided and shall be maintained by the Township for 18 months following dedication of the public right-of-way improvements.

Motion: Kent Gardner moved, seconded by Edward Fisher, to accept Rettew Associates recommendation and release the Rutter's Farms Store \$4,000.00 financial security contingent upon the developer dedicating all public right-of-way improvements to the Township as directed by the Township Solicitor. The Developer will also need to provide documentation of the actual construction costs to the Township and Rettew Associates for review but in-lieu of providing the documentation, a Maintenance Financial Security in the amount of \$13,597.43 be provided to the Township and will be maintained for 18 months following dedication of the public right-of-way improvements. Motion carried, 5-0.

D. SHEETZ, INC – 4010 COLUMBIA AVE. – STORM WATER MANAGEMENT AGREEMENT.

Ron Youtz, Township Manager informed the Board that the Storm Water Management Agreement from Sheetz, Inc. has not been received. He stated that this item will be tabled and added to the agenda of the Board's February meeting.

IV. OLD BUSINESS

A. DISCUSSION ON STORM WATER MANAGEMENT ORDINANCE.

Ron Youtz, Township Manager informed the Board that on Thursday, January 16th a joint meeting with the Planning Commission members is scheduled. Mr. Youtz stated that he has provided the Board with Josele Cleary's legal review/opinion and items are being addressed by our Engineer. He stated that he is hopeful that shortly after the joint meeting; the proposed storm water ordinance can be adopted.

Edward Fisher reminded Mr. Youtz that the Agriculture portion of the proposed ordinance will need to be discussed with the Solicitor.

V. NEW BUSINESS

A. CONDITIONAL USE HEARING LAYNE AND KATHRYN MILLER – 1037 PROSPECT ROAD.

Chairman David Dumeyer read the Outline for Conducting a Public Hearing which included the Nature of Hearing; Procedures to be followed and Voting on the Proposed Conditional Use Application.

Chairman David Dumeyer called Jodi Heffner, Zoning Officer to present the Exhibits on behalf of the Township. Ms. Heffner asked that the following items be included in the record and marked as:

Township Exhibit 1 – A copy of the advertised Notice of the public hearing was posted at the Township office 3401 Marietta Avenue, Lancaster, PA on December 23, 2013. A memorandum from the Zoning Officer relating to the date and time of such postings is attached.

Township Exhibit 2 – Properties were posted with notice of the Public Hearing on December 30, 2013. A memorandum from the Zoning Officer relating to the date and time of such postings is attached.

Township Exhibit 3 – Proof of Publication for the Advertised Notice of the public hearings and the consideration of the proposed conditional use application in the December 23rd and December 30, 2013 editions of the Intelligencer Journal/Lancaster

News Era is attached.

Township Exhibit 4 –West Hempfield Township Planning Commission reviewed the proposed Conditional Use application at its meeting on December 19, 2013. A draft copy of the minutes of the meeting is attached.

Chairman David Dumeyer called for the Applicant's to begin the hearing by presenting their evidence and/or witnesses.

Realtor, Scott Wiglesworth, 1894 Eden Road, Lancaster, Pennsylvania presented testimony and exhibits on behalf of the applicants.

Scott Wiglesworth testified that the applicants are Layne and Kathryn Miller, 3808 Laurel Drive, Columbia; the property is located at 1037 Prospect Road, Columbia, Pennsylvania and currently owned by Julie and H. Joseph Ressler, 3170 Marietta Avenue, Lancaster, Pennsylvania.

Applicant Exhibit 1 – Preliminary Plot Plan

Mr. Wiglesworth testified that the property is within the Rural Agricultural District as indicated on the Zoning Map of West Hempfield Township. He stated that the applicant requests conditional use approval to construct an approximate 2200 sq ft. two-story, single family detached dwelling on a lot larger than two acres.

Frank Burkhart asked if the grading on the property will be held to a minimum. Mr. Wiglesworth answered yes the grading on this parcel will be minimal.

Edward Fisher questioned the access road – Is it currently there or does it have to be constructed? Mr. Wiglesworth answered yes the access road is currently there and it currently serves an adjoining parcel.

Jodi Rankin of 1035 Prospect Road, Columbia, stated that the current access road is serviced by 3 additional properties. She also questioned if the township will take over the responsibility of the lane. Edward Fisher informed Ms. Rankin stated that the lane would have to be brought up to Township/PennDot specifications which would be very costly for the current owners using the lane.

Edward Fisher asked the status of the PennDot Highway Occupancy permit. Mr. Fisher asked that the permit be looked into and to clarify that it does include this parcel when originally issued. Ron Youtz, Township Manager stated that this parcel was subject to a previous conditional use application on November 3, 1987 when approval was granted for the construction of a single family detached dwelling. Mr. Youtz also stated that the previous conditional use approval has expired as a building permit was never applied for or issued. Mr. Youtz stated that he would verify the number of parcels permitted on the original PennDot Occupancy Permit.

Edward Fisher stated that the right of way agreement could possibly be updated to include the current owners of properties.

Frank Burkhart expressed that shared driveways can be a good idea and also can be a bad idea, depending on the property owners involved.

Edward Fisher asked if any portion of the access drive was paved? Jodi Rankin stated that a portion was paved but has been washed out over the years.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to close record at 8:35 p.m. Motion carried, 5-0.

Frank Burkhart asked that the Conditions to be implemented be read so that everyone understands what the conditions are.

David Dumeyer read conditions as follows:

1. Applicant shall secure all necessary permits to allow for the construction of a single family detached dwelling.
2. Applicant shall be required to meet the Storm Water Management regulations in place at the time that a building permit is issued and to satisfy any other Township requirements.
3. Access to the property will be by way of the existing permitted driveway and recorded right-of-way as shown on the recorded subdivision plan.
4. Applicant shall at all times comply with and adhere to the evidence presented to the Board of Supervisors at the hearing held on January 6, 2014.
5. Any violation of the conditions contained in the Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.
6. The foregoing conditions shall be binding upon the Applicants, the Landowners, and their respective personal representative's, heirs, successors and assigns. Any violation of the conditions contained in the Decision shall be considered a violation of the West Hempfield Township Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to grant approval of a conditional use application from Layne and Kathryn Miller and the six (6) conditions as read by Chairman Dumeyer be incorporated in the decision. Motion carried, 5-0.

B. AUTHORIZATION TO FORWARD 2013 DELINQUENT STREET LIGHT AND FIRE HYDRANT ACCOUNTS FOR COLLECTION.

Ron Youtz, Township Manager, informed the Board that he is requesting authorization to forward the 2013 delinquent street light and fire hydrant accounts for collection with Creditech. He stated that the 2013 delinquent Street Light tax is \$1,870.09 and the 2013 delinquent Fire Hydrant tax is \$3,208.94 for a total of \$5,079.03.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to authorize staff to forward the 2013 delinquent street light and fire hydrant taxes to Creditech for collection. Motion carried, 5-0.

C. BRITTANY FATTA – REQUEST USE OF TOWNSHIP ROAD FOR BENEFIT EVENT.

Chief Mark Pugliese informed the Board that he had received a written request from Britteny Fatta of Hemlock Drive, Columbia to host a fund raising 5k walk/run event on Saturday, February 15, 2014 at Froelick Park for class mate Sara Giessler who was hurt in a motor vehicle accident. Chief Pugliese recommends the Board grant this request.

Motion: Edward Fisher moved, seconded by Kent Gardner to grant Brittany Fatta to hold the fund raising event as requested on Saturday, February 15, 2014 at 7:00 a.m., to 11:00 a.m. Motion carried, 5-0.

VI. ORDINANCES AND/OR RESOLUTIONS

A. RESOLUTION 1-14: ESTABLISHING FEES FOR 2014

Motion: Edward Fisher moved, Frank Burkhart seconded by, to adopt Resolution 1-14, Establishing fees for 2014. Motion carried, 5-0.

VII. APPROVAL OF PAYABLES

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve payment of all bills between December 1 through December 31, 2013 and any residuals. Motion carried, 5-0.

Payroll/Taxes.....	\$174,592.52	Electronic Payment
General Fund.....	\$131,695.22	Checks 24457-24548
Street Light.....	\$ 4,831.56	Checks 365 - 366
Fire Hydrant.....	\$ 976.59	Checks 193
Escrow Fund.....	\$ 15,294.46	Checks 113 - 114
State Fund.....	\$ 609.66	Checks 2864-2866
Sewer Fund.....	\$ 13,965.09	Checks 3690
Refuse Fund.....	\$ 59,484.65	Checks 2131-2135

VIII. ADJOURNMENT.

Motion: Frank Burkhart moved, seconded by Edward Fisher, to adjourn the regular meeting at 8:50 p.m., and to go into Executive Session to discuss a personnel issue. Motion carried, 5-0.

Respectfully submitted,

Ron L. Youtz, Secretary