

WEST HEMPFIELD TOWNSHIP SUPERVISORS' MEETING
Minutes of February 4, 2014

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, February 4, 2014. Chairman David Dumeyer and Board members Frank Burkhart, Edward Fisher, Kent Gardner and Naomi Martin were present. Also in attendance were: Ron Youtz, Township Manager; Mark Pugliese I, Chief of Police, Dale Getz, Public Works Director, Jodi Heffner, Zoning Officer and Brenda Shuey, Recording Secretary.

I. CALL TO ORDER:

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

II. APPROVAL OF MINUTES: JANUARY 6TH AND JANUARY 16, 2014 MEETINGS

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the Board's January 6, 2014 re-organizational and regular board meeting minutes and January 16, 2014 special joint meeting held with Planning Commission as presented. Motion carried, 5-0.

III. COMMUNICATIONS:

A. Board of Supervisors

1. Kent Gardner informed the Board that he had attended the Economic Finance Committee of Maryland workshop storm water management funding. He said it was a very informative session.

He felt we have missed out on grants like the one from the Little Conestoga Water Shed and we need to start looking into grants/funding and need to be pro-active when dealing with storm water issues.

B. Township Manager Report

1. Ron Youtz announced that he has one item to add to the Agenda, under Item IV. Subdivision, Land Developments and Planning Modules – add: C. Erin Court Partners – 3775 Hempland Road – Request Time Extension.

C. Residents

1. Assistant Fire Chief Barry Carter presented the Board copies of the 2013 year end Fire Chief's Report. He informed the Board during 2013 there were 458 fire responses, 220 fire police responses and 206 QRS responses.

Frank Burkhart stated that he had received an inquiry from a resident as to why emergency vehicles run with sirens in areas that are not needed. Barry Carter stated that it is mandated that all emergency equipment must operate with sirens when responding to emergency calls. Police Chief Mark Pugliese concurred.

Chairman David Dumeyer stated that immediately following the adjournment of this meeting, the Board will go into Executive Session to discuss a personnel issue and a legal matter. He also thanked Bill Laudien, Township Manager of Lancaster Township, for being in attendance.

IV. SUBDIVISION, LAND DEVELOPMENTS, AND PLANNING MODULES:

A. GLENN R. & RUTH BUSHONG – 50 MEADOW ROAD – STORMWATER MANAGEMENT PLAN.

Austin Steffy, Representative for Red Barn Consulting, Inc., informed the Board that his clients own an existing dairy operation and are proposing to construct a 45'x433' heifer barn with an under floor manure storage pit. He stated that they are planning an equalizing system from barn to barn to handle the waste.

Mr. Steffy stated that they have been working with Josele Cleary, Township Solicitor on establishing a storm water management agreement.

Frank Burkhart questioned when the perc tests for infiltration were performed. Mr. Steffy stated infiltration testing had been done and the perc tests were slow. He also informed the Board that the County Conservation District had approved the E&S permit.

Mr. Steffy stated that the Bushongs are in the process of securing their financial security in the amount of \$68,959.00. He felt it should be in place by the end of next week.

Kent Gardner stated that there appears to be a lot of buildings' impervious surface; he asked what calculations were done of the existing structures. He says it looks like the manure will continue to run into Strickler Run. Mr. Steffy stated that anything within the complex now is diverted into channels, untouched by treating with a vegetation swale or into the drip container in the manure pit.

Mr. Steffy informed the board that a special exception had been approved on July 9, 2013 for a 21% expansion of a non-conforming use to allow the construction of the new heifer barn.

Edward Fisher commented that the pasture/meadow is using amended soil in the basin and will stay wet. Mr. Steffy concurred. Mr. Fisher questioned if a waiver of the land development is necessary since the land is zoned agriculture. Ron Youtz stated that if a

waiver to filing a land development should be acted upon, this will allow the Township to request financial security.

Frank Burkhart expressed concern with how the cattle will be kept out of the stream during construction. Mr. Steffy commented that the land owners are looking for a long term solution by providing fencing in order to limit the cattle accessing the stream.

Ron Youtz informed the Board that our current ordinance gives exemptions to property in the agriculture district and that the land owners have been addressing the concerns of the existing facility.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the waiver of Section 303 and 306 – Land Development Processing, subject to the following conditions:

1. A schedule of municipal inspections during construction will be provided on the plan.
2. A listing of all previously recorded plans and depiction of all existing easements on the project site will be provided on the plan.
3. A cost estimate, financial security, and a financial security agreement will be provided in accordance with the Township's Subdivision and Land Development Ordinance Sections 405.E.13 and 501. The financial security agreement will also include a provision that a copy of the NPDES permit Notice of Termination, acceptable to Lancaster County Conservation District (LCCD), will be provided to the Township, prior to final release of the financial security.
4. A note will be placed on the plan, deferring road improvements until such time as the property is further developed. Such improvements may include cart way and/or right-of-way turnaround for Meadow Road and vacating of the street right-of-way where it no longer provides access to more than one property. Motion carried, 5-0.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the waiver of Section 122-23.A – Storm sewer pipe size and material, based upon the alteration and justification provided. Motion carried, 5-0.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the waiver of Section 122.26D. – Detention basin dewatering time, based upon the alternative and justification provided. Motion carried, 5-0.

Discussion:

Edward Fisher stated that we are waiving that the basin will drain, but he feels it will remain wet year round unless there is a drought. Mr. Steffy stated that the assumption is that it would drain dry. Mr. Fisher stated that is what the calculations are based on but

through experience, it will remain wet throughout the year. Frank Burkhart stated that the percs were poor and the basin will be wet.

Frank Burkhart stated that the basin being wet could be called a West Nile virus area and that the authorities could mandate that the area be treated for such.

Kent Gardner stated that there are plants that would help to drain the basin. He asked if we could make it a condition to add these plants to the basin. He further commented that, through a Growing Greener grant in Maryland, there was an experiment with this same issue and they are bringing this concept to Lancaster County. A report from this experiment will be available tomorrow, knowingly not in time for this meeting.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the Storm Water Management Plan for the Bushong Tract, with the condition that the applicant satisfies all outstanding comments and requirements to the satisfaction of the Township Engineer and Township Staff. Motion carried, 5-0.

B. SHEETZ – 4010 COLUMBIA AVENUE – STORMWATER MANAGEMENT AGREEMENT.

Ron Youtz informed the Board that they had conditionally approved this plan in October 2012 and, as Sheetz was moving through the process, obtaining a PennDot permit for some of their improvements including their storm water facility has been an issue. He stated that our Solicitor Josele Cleary has been working with the representatives of Sheetz, Inc. to prepare a storm water management agreement that would protect the Township as to the responsibilities and maintenance of the stormwater facilities.

Eambros Heinz, Attorney for Sheetz, is asking for action on two items. The first is the approval of the agreement which has been reviewed by the Township Solicitor and that it can be ready for execution upon delivery of signed version by Sheetz to the Township. He stated that the second action item is for approval to sign the recording document for the Highway Occupancy Permit (HOP).

Edward Fisher requested clarity on these facilities within PennDot right of way. He asked if Sheetz will maintain the new storm water facilities per PennDot Highway Occupancy Permit. Mr. Heinz answered Sheetz would maintain and it's stipulated in the agreement. He also stated that they have another PennDot HOP outstanding that includes the line painting and improvements at the intersection.

Motion: Edward Fisher moved, seconded by Kent Gardner, to authorize the Chairman to sign the storm water agreement and declaration of easement. Motion carried, 5-0.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve authorize Ron Youtz to sign PennDot recording document agreement for this project. Motion carried, 5-0.

C. ERIN COURT PARTNERS – 3775 HEMPLAND ROAD – REQUEST FOR TIME EXTENSION.

Bill Swiernik of David Miller/Associates stated that his client is working through the outstanding conditions, but the weather has impacted their ability to finalize and satisfy those conditions. He stated that his clients are requesting a time extension until April 11, 2014.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to grant an extension of time to postpone final action on Erin Court Partners Land Development Plan until April 11, 2014. Motion carried, 5-0.

V. OLD BUSINESS

A. DISCUSSION ON STORMWATER MANAGEMENT ORDINANCE.

Township Manager, Ron Youtz asked the Board if there was anything new that hadn't been addressed during the joint meeting held with Planning Commission members on January 16, 2014.

Mr. Youtz informed the Board that his plans are to have a final draft to the Board for their March meeting, and then a public hearing will have to be advertised prior to the adoption of the proposed storm water ordinance

VI. NEW BUSINESS

A. HEMPLAND AREA RECREATION COMMISSION – REQUEST USE OF TOWNSHIP ROADS FOR ANNUAL REC ALLIANCE BIKE RACE.

Motion: Kent Gardner moved, seconded by Edward Fisher, to authorize the use of Township Roads for the RecCenters of Lancaster County to conduct their 5th Annual Rec Alliance Bike Ride on Sunday, June 22, 2014 beginning at 7:00 am. Motion carried, 5-0

B. LANCASTER INTER-MUNICIPAL COMMITTEE – AMENDMENT TO COOPERATIVE AGREEMENT.

Ron Youtz, Township Manger explained to the Board that he had received an amendment to the Lancaster Inter-Municipal Committee Agreement dated September 13, 1995, to allow noncontiguous municipalities located in Lancaster County to become members, as long as each municipality adopts an ordinance to do so.

Kent Gardner stated that the LIMC has many municipalities expressing interest in joining.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve the proposed membership amendment which will allow noncontiguous municipalities located in Lancaster County the ability to join the LIMC . Motion carried, 5-0

C. FARMDALE FACULTY PARENT ASSOCIATION – REQUEST USE OF FAIRVIEW PARK FOR ANNUAL FARMDALE FESTIVAL.

Ron Youtz explained to the Board that he had received an email from the Farmdale Faculty Parent Association requesting the annual Farmdale Elementary School Festival be held at Fairview Park on Friday, May 2, 2014 and is recommending the Board approve their request.

Motion: Kent Gardner moved, seconded by Edward Fisher, to allow the Farmdale Faculty Parent Association to use Fairview Park on Friday, May 2, 2014 for their annual festival. Motion carried, 5-0

D. DISCUSSION ON PARKING ISSUES – OAK HOLLOW DR. & STONE HOUSE LANE.

Ron Youtz, Township Manager explained that he was contacted by residents along Stone House Lane regarding parking concerns. The residents complain that occupants and/or guests of the Oak Hollow Apartments use Stone House Lane for overflow parking. Stone House Lane is a narrow street which has restricted parking on one side. Oak Hollow Drive is a much wider street with parking prohibited on both sides.

Ron Youtz is requesting authorization to remove some of the signs along one side of Oak Hollow Drive to accommodate additional parking. He feels this could help alleviate some of the ongoing problems. The Board concurred with the temporary changes to the parking along Oak Hollow Drive and would like to be updated in a few months.

E. SETTLEMENT AGREEMENT – 3141 MARIETTA AVENUE.

Ron Youtz, Township Manager informed the Board that a zoning violation at 3141 Marietta Avenue has been mutually settled by both parties. He stated that our Solicitor is recommending approval of the Mutual Release contingent upon the property owners signing the Mutual Release.

Motion: Frank Burkhart moved, seconded by Edward Fisher, to authorize execution of the Mutual Release by the Chairman of the Board of Supervisors contingent upon receiving the Mutual Release, in a form acceptable to the Township Solicitor, signed by both property owners. Motion carried, 5-0

F. MATTHEW KABIK – REQUEST FOR EXTENDED HOURS AT FAIRVIEW PARK.

Matthew Kabik, Representative for the Lancaster Hockey Club, appeared before the Board to request the use of Fairview Park’s roller rink past the established hours every Wednesday from 5 p.m. to 9 p.m. Mr. Kabik explained to the Board that his club has used the facility for the past three years, and during those years, the club has repaired boards, cleaned trash around the area and also paid for and placed two new regulation size goals which are still currently at the park for the public to use. He further stated that the club would continue to help the Township with upkeep and cleanliness of the facility.

Motion: Kent Gardner moved, seconded by Edward Fisher, to authorize the Lancaster United Hockey Club to use Fairview Park facility and the Club must vacate the property on Wednesdays by 9:00 p.m., beginning February 5, 2014 to February 5, 2015, at which time the Board will review the matter again. Motion carried, 5-0

G. REQUEST AUTHORIZATION TO BID HIGHWAY MATERIALS AND PAVING PROJECTS.

Ron Youtz informed the Board that the road maintenance season will soon be upon us and that he is asking the Board for authorization to bid the highway materials and paving projects for 2014.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to authorize the Township staff to advertise the paving projects and highway materials for the 2014 road maintenance season. Motion carried, 5-0

H. DISCUSSION ON POTENTIAL POLICE REGIONALIZATION WITH EAST HEMPFIELD TOWNSHIP.

Ron Youtz informed the Board that he and Police Chief Mark Pugliese attended an informal meeting with the Township Manager and Police Chief of East Hempfield Township to discuss the pros and cons of the possibility of regionalization of both police departments.

Chief Pugliese stated that, in 2000-2001, a feasibility study was done on this very issue. He stated that East Hempfield staff is willing to continue discussions and he wanted to know if West Hempfield would still be interested. The Board members all concurred that West Hempfield is interested in continuing the discussions between both entities.

VII. ORDINANCES AND RESOLUTIONS

A. RESOLUTION 2-14: ADOPTION OF A PORTION OF HEMPLAND ROAD.

Ron Youtz informed the Board that, through the research that has been conducted by the staff, it was found that a portion of Hempland Road was not officially accepted nor deeded to the Township.

Ron Youtz is requesting the Board adopt Resolution 2-14 which will confirm the acceptance of a segment of Hempland Road as part of the Public Road System.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve Resolution 2-14 which confirms the acceptance of a segment of Hempland Road as part of West Hempfield public road system. Motion carried, 5-0

VIII. APPROVAL OF PAYABLES

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve payment of all bills between January 1 through January 31, 2014 and any residuals. Motion carried, 5-0

Payroll/Taxes.....	\$173,206.75	Electronic Payment
General Fund.....	\$132,473.52	Checks 24549 - 24652
Fire Hydrant.....	\$ 22,228.25	Checks 194
Street Light.....	\$ 4,324.35	Checks 367
State Fund.....	\$ 34,321.50	Checks 2867 – 2873
Escrow Fund.....	\$ 3,904.46	Checks 115
Sewer Fund.....	\$ 14,084.57	Checks 3691 - 3692
Refuse Fund.....	\$ 71,271.22	Checks 2136 - 2146

IX. ADJOURNMENT.

Motion: Chairman David Dumeyer called for motion to adjourn into Executive Session to discuss a personnel issue and a legal matter. Frank Burkhart moved, seconded by Edward Fisher, to adjourn the regular meeting at 8:45 p.m., and to go into Executive Session to discuss personnel and legal issues. Motion carried, 5-0.

Respectfully submitted,

Ron L. Youtz,
Secretary