

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of July 2, 2019

The regularly scheduled meeting of the Board of Supervisors was held at the West Hempfield Township Municipal Building, 3476 Marietta Avenue. Board Chairman David Dumeyer, and Board Members Kent Gardner, Edward Fisher, Robert Munro and Naomi Martin were present. Also in attendance were: Township Manager Andrew Stern; Chief of Police Lisa A. Layden; Zoning Officer Dwayne Steager, Public Works Director Dale Getz; Solicitor Josele Cleary and Judy Carrier, Recording Secretary. Brenda Baumbach was not present at the meeting.

- I. Chairman David Dumeyer called the meeting to order at 7:30 p.m. and led with the Pledge of Allegiance, after which he announced an Executive Session would be held following the Regular Board of Supervisors meeting to consider a personnel matter.

- II. **CONDITIONAL USE HEARING:** Case #81, Sedgewick, 4061 Columbia Avenue, Mixed-Use Development Design. Chairman Dumeyer opened the Conditional Use Public Hearing with a summarization of the proposal and explanation of procedural rules and regulations of the Conditional Use Public Hearing process. After the Board has received all relevant evidence, the Board will close the record. The Board has 45 days after the close of the record within which to issue a written decision and the Board will issue its decision at a public meeting. The Board may make a decision on the application at tonight's meeting or any subsequent meeting held within 45 days after the close of the record.

Chairman Dumeyer recognized West Hempfield Township Solicitor Josele Cleary, Morgan Hallgren Crosswell & Kane. West Hempfield Township Zoning Officer Dwayne Steager was sworn in and confirmed advertising and posting of procedural exhibits relating to this hearing. Present on behalf of applicant ACP Properties LLC and Jim Allgyer, Owner, were Attorney Mark Stanley, McNeese, Wallace & Nurick, and William Swiernick, Project Land Planner and Project Architect, David Miller/Associates. Parties with standing and wishing to present testimony were sworn in. A court stenographer was present to record the testimony and the stenographic transcript will be the official record of the hearing.

A brief break was taken at 9:30 p.m. to determine whether to continue with this meeting tonight or recess in continuance to another meeting date. Board members were polled and unanimously concurred to continue the Hearing to 7:00 p.m. Tuesday, July 16, 2019. The applicants agreed. At 9:37 p.m. Chairman Dumeyer declared The Conditional Use Hearing: Case #81, Sedgewick, 4061 Columbia Avenue, Mixed-Use Development Design recessed in continuance until 7:00 p.m. Tuesday, July 16, 2019 at the West Hempfield Township Municipal Building.

- III. ZONING ORDINANCE AMENDMENT HEARING: I-2 Industrial District Building Height Chairman Dumeyer opened the Zoning Ordinance Amendment Hearing: I-2 Industrial District Building Height, at 9:40 p.m., explained the public hearing process and advised that after the Board has received all relevant evidence, the Board will close the record. Attorney Carolyn Hoffer, Barley Snyder presented the petition requesting amendment of the text of the Zoning Ordinance for the I-2 General Industrial District to provide for additional building height necessary for an automated high bay warehouse by conditional use on behalf of the applicant ART Mortgage Borrower Propco 2010-5 LLC. Parties testifying were sworn in and all exhibits submitted were entered into the record. A court stenographer was present to record the testimony and the stenographic transcript will be the official record of the hearing. After all evidence was presented and there being no further questions, motion was made by Kent Gardner and seconded by Robert Munro to *close* the Zoning Ordinance Amendment Hearing: I-2 at 10:00 p.m. The motion carried (5-0).

The Regular Meeting of the West Hempfield Board of Supervisors resumed at 10:00 p.m. and the following action was taken:

- **Motion** was made by Edward Fisher and seconded by Robert Munro to *ratify* Ordinance 4-19: I-2 Industrial District Building Height Zoning Amendment. The motion passed (5-0).

IV. APPROVAL OF MINUTES

A. June 4, 2019 Regular Meeting.

Motion: Moved by Edward Fisher and seconded by Robert Munro to *approve* the Board's June 4, 2019 regular meeting minutes as presented. Motion carried (5-0).

V. COMMUNICATIONS

A. BOARD OF SUPERVISORS

1. Kent Gardner noted LINC meeting is scheduled for July 10th at Lancaster Township. Breakfast at 7:30 a.m.
2. Kent Gardner attended his first UCC Appeals Board Nomination Committee meeting as a new member.
3. Edward Fisher thanked Dale Getz and crew and all those taking action at Lake Grubb.
4. Naomi Martin reported receiving requests to have a bike rack installed at the Municipal Building.

B. TOWNSHIP MANAGER

INTERNAL MATTERS

1. **EPA:** On June 20, 2019, I attended a meeting at EPA in Philadelphia with Jim Caldwell and Kara Kalupson from Rettew. We met with numerous EPA officials, including Christine Libertz, Director - Water Division for EPA Region 3 (DE, ME, DC, PA, VA, and WV). Also in attendance were Chesapeake Bay Foundation folks and Peter Hughes from Red Barn. Focus was on agriculture BMP's as a more efficient way to help the Chesapeake Bay. Good meeting as far as our interaction with

EPA. Ms. Libertz engaged in a discussion with me in front of the group about my thoughts as a municipal manager of PA's MS4 and PRP programs in PA. Time will tell what, if anything, comes from this meeting.

2. **Sylvan Retreat Speed Study.** At the Board's request, our police conducted a speed study on Sylvan Retreat Road at Archer Lane (SB). A copy of the findings is attached. The posted speed is 35 MPH. The 85th percentile speed during the study was 41.21 MPH. Average speed was 36.45 MPH. There were a few anomalies, including a maximum speed recorded at 69 MPH. Nothing in the study stood out as significant or unexpected.
3. **BINGO.** Tara Ney held a bingo on June 23, 2019 and raised \$5006 for the police department's Humvee project.
4. **Pension RFP.** Earlier this year the Board authorized the release of a RFP for investment services for our Police and Non-Uniformed Pension plans. The RFP has been completed and reviewed by our solicitor and will be released within the next week.
5. **Comprehensive Plan.** A preliminary draft has been completed and is attached. Our WHTPC has review the draft and is ok with moving forward. The next step will be to have informal discussions with the LCPC.
6. **Lake Grubb.** Our crews have not completed the repairs at Lake Grubb, due to weather and preparations for summer paving contractors.
7. **Insurance.** We have met with PennPrime Insurance Trust on June 24 to discuss possible options for 2020. We currently use EHD and anticipate a significant increase for 2020. We will also be giving EHD an opportunity to present a competitive proposal for 2020.

EXTERNAL MATTERS

1. Nothing to report at this time.

PERSONNEL

1. Nothing to report at this time.

OUTSIDE BOARDS AND COMMITTEES

1. **CLC-COG.** The next meeting is July 24, 2019 at Manheim Township.
2. **LIMC.** The next LIMC meeting will be July 10, 2019 at Lancaster Township.

CORRESPONDENCE

1. **Columbia Water.** 2018 Annual Water Quality Report.
2. **Mars Wrigley.** We have been notified by Mars Wrigley that there is a 25,000 gallon fuel oil tank upstream from West Hempfield Township at their Elizabethtown plant.

C. TREASURER’S REPORT

General Fund	\$ 1,714,645.48
Sewer Fund	\$ 360,270.24
Refuse Fund	\$ 605,377.35
Street Light Fund	\$ 25,293.83
Fire Hydrant Fund	\$ 46,918.92
TDR Fund	\$ 603,061.16
State Liquid Fund	\$ 1,208,065.19
Police Pension Fund	\$ 6,899,497.57
Non-Uniform Pension Fund	\$ 2,352,672.79
Recreation	\$ 41,309.03
Highway	\$ 973,172.45
Post Retirement	\$ -
Health Care (HRA)	\$ 30,365.33
MS4 Stormwater Fund	\$ -
Total All Funds	\$ 14,860,649.34

Andrew Stern noted Financial Statements are on hold due to working with an auditor. There are no significant items. Everything has been going well with the transfer to Fulton Bank.

D. DEPARTMENT REPORTS: POLICE, PUBLIC WORKS, ZONING/LAND USE, FIRE, EMS. Written reports were received and reviewed.

1. Police – Chief Layden highlighted several items on her report.
2. Public Works – Dale Getz reported a radar detector has been installed at Prospect and Rt. 30 Eastbound and a seal coat has been done on Silver Spring and Chiques Road.
3. Zoning/Land Use – Dwayne Steager reported the success of the Ms4 Forum on June 3 and noted 855 Old Chiques Road plans have been distributed to the Board.
4. Fire –Mountville Chief Dean Gantz reported he sent a copy of an email received from the Auditor General to Mr. Stern. Only one item was not closed out; all major items were satisfactory.
5. EMS – No Report.

E. RESIDENTS - None

VI. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

BRIEFING ITEMS:

A. 855 Old Chiques

AGENDA ITEMS:

**A. Stony Battery Commerce Center (Mountville Apartments)
Request for Release of Financial Security
Location: 316 Primrose Lane**

The applicant is requesting a full release of their financial security. Records indicate that the financial security status for this project is as follows: Original amount of \$103,939.00, Previous reductions \$89,026.52, the outstanding balance \$14,912.48. The above amount does not include any increase that may have automatically occurred on the anniversary date of the financial security.

Based on a site visit, the township engineer has the following comments:

1. An as-built plan meeting the requirements of Section 122-59 of the West Hempfield Township Stormwater Management Ordinance along with routings that compare the as-built outflows to the design outflows needs to be provided prior to the final release of the financial security. The dumpster needs to be indicated on the plan and included in the impervious calculations.

Based on the site visit the Township Engineer recommends that the Financial Security be reduced in the amount of **\$4,519.58**, which will leave a new outstanding financial security balance of **\$10,393.90**. The Municipalities Planning Code (MPC), Section 509 (j) states that the Township may require the retention of *10% of the original amount (\$103,939.00) prior to final release of the financial security. Therefore, until completion of all outstanding work to the satisfaction of the Township, the financial security should not be reduced to an amount below \$10,393.90.*

It is also recommended that the Township require the developer to annually increase the Financial Security by ten (10%) percent of the cost estimated to be necessary to complete the required improvements in accordance with Municipalities Planning Code (MPC), Section 509(h).

Action Required:

- **Motion** was made by Robert Munro and seconded by Kent Gardner to *deny* full release of Financial Security. The motion passed (4-0-1) with Edward Fisher abstaining.
- **Motion** was made by Robert Munro and seconded by Kent Gardner to *approve* the partial release of the Financial Security in the amount of \$4,519.58 leaving a new balance of \$10,393.90. The motion passed (4-0-1) with Edward Fisher abstaining.

**B. Funk Investment Properties
Petition to Amend the West Hempfield Township Zoning Ordinance
C-1 Dwellings in Combination with Commercial Bldgs.**

Action Required:

- **Motion** was made by Edward Fisher and seconded by Kent Gardner to *set* a public hearing date of August 6, 2019. The motion passed (5-0).

C. Zoning Hearing Board Alternate

As there are no Zoning Hearing Board alternates, I would like the board to consider adding alternate members for occasions when it would not suit a sitting member to be in attendance. Alternate members for the Zoning Hearing Board will need to be appointed by resolution, per the MPC, at a future meeting date. The Board had no objections and concurred with starting the process. Andrew Stern reported one person has expressed interest.

- VII. UNFINISHED BUSINESS – None
- VIII. NEW BUSINESS - Appointment of Kent Gardner to the UCC Appeals Board Nomination Committee. Moved by Edward Fisher and seconded by Robert Munro to *appoint* Kent Gardner to the UCC Appeals Board Nomination Committee. The motion passed (5-0).
- IX. ORDINANCES, RESOLUTIONS, AND AGREEMENTS.
 - A. Mountville Police Service Agreement. Moved by Kent Gardner and seconded by Robert Munro to *approve* the Mountville Police Service Agreement as presented. The motion passed (5-0).
 - B. Resolution 17-19 Appoint CAO for Nonuniformed Pension Plan. Moved by Kent Gardner and seconded by Robert Munro to *adopt* Resolution 17-19 to appoint the Township Manager of West Hempfield Township as the Chief Administrative Officer of the West Hempfield Township Nonuniformed Employee Pension Plan. The motion passed (5-0).
 - C. Resolution 18-19 Appoint CAO for Police Pension Plan. Moved by Kent Gardner and seconded by Edward Fisher to *adopt* Resolution 18-19 to appoint the Township Manager of West Hempfield Township as Chief Administrative Officer for West Hempfield Township Police Pension Plan. The motion passed (5-0).
 - D. Resolution 19-19 Prohibit the location of a VGT Establishment License within the Township, as per Senate Bill 321. Moved by Kent Gardner and seconded by Robert Munro to *adopt* Resolution 19-19 to prohibit the location of a VGT Establishment License within the Township, as per Senate Bill 321. The motion passed (5-0).
 - E. Ordinance 4-19: I-2 Industrial District Building Height Zoning Amendment. Action was taken earlier in tonight’s meeting to ratify Ordinance 4-19: I-2 Industrial District Building Height Zoning Amendment.

X. APPROVAL OF PAYABLES

FUND	AMOUNT	CHECK #'S
PAYROLL & TAXES	\$ 199,618.61	EFT
FULTON - GENERAL FUND	\$ 239,354.52	1110 - 1208
Sewer Fund - Northwest	\$ 138,331.50	3757
FULTON - REFUSE	\$ 82,781.38	1009 - 1015
FULTON - STREET LIGHT	\$ 8,674.84	1002 - 1010
FULTON - ESCROW	\$ 3,312.34	1003 - 1005
FULTON - STATE FUND	\$ 2,749.20	1006 - 1011
FULTON - POLICE PENSION	\$ 53.21	1000
Total	\$ 674,875.60	

Motion: Robert Munro moved, seconded by Kent Garner to *approve* payment of all bills between June 1 – June 30, 2019 and any residuals. Motion carried (5-0).

XI. GOOD OF THE ORDER

UPCOMING MEETINGS: Special Meeting - July 16, 2019 Conditional Use Hearing
 Continuance
Regular Meeting - August 6, 2019

XII. ADJOURNMENT

Chairman Dumeyer asked for a motion to adjourn the regular Board of Supervisors meeting at 10:30 p.m. and move into Executive Session to discuss personnel matters.

Motion: Robert Munro moved, seconded by Kent Gardner, to *adjourn* the regular Board of Supervisors meeting at 10:30 p.m. and move into Executive Session to discuss personnel matters. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,
 Township Manager

