

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of November 9, 2017

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Thursday, November 9, 2017. Chairman David Dumeyer and Board members Frank Burkhart, Edward Fisher, Kent Gardner and Naomi Martin were present. Also in attendance were: Township Manager Andrew Stern; Public Works Director Dale Getz; Chief of Police Mark Pugliese I; and Judy Carrier, Recording Secretary. Brenda Baumbach, Finance/Personnel Director and Dwayne Steager, Zoning Officer, were not present for the meeting.

CALL TO ORDER.

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

I. OATH OF OFFICE: POLICE OFFICER BENJAMIN JOHNSON.

Benjamin W. Johnson was sworn in as West Hempfield Township's newest police officer. Officer Johnson currently resides in East Lampeter Township and has lived there since 2004. He was a self-employed contractor. Officer Johnson was home schooled and received his high school diploma in June of 2003. He served in the U.S. Marine Corps Reserve from 2004 to 2010. He had been enrolled in Harrisburg Area Community College's Criminal Justice Program until having been deployed with the Marines in 2008. He recently received his Act 120 Basic Municipal Police Training from the Reading Police Academy and is currently enrolled in the Elizabethtown College Criminal Justice Program.

Chairman Dumeyer administered the Oath of Office to Officer Johnson. Officer Johnson's parents, Wayne and Charlien Johnson, were present to witness the swearing in ceremony and Mr. Johnson pinned Officer Johnson's badge on his uniform. The Board, public, friends and family congratulated Officer Johnson on becoming a West Hempfield Township sworn officer and his assignment to the patrol division.

II. APPROVAL OF MINUTES.

A. October 3, 2017 regular meeting.

- ❖ **Motion**: Moved by Frank Burkhart and seconded by Kent Gardner to ***approve*** the Board's October 3, 2017 regular meeting minutes as presented. Motion carried, (4-0-1) with Naomi Martin abstaining due to not being present at the meeting.

III. COMMUNICATIONS.

A. BOARD OF SUPERVISORS.

1. Frank Burkhart received an award on Monday, November 6, 2017 from the Lancaster County Association of Township Supervisors (LCATS) for his 44 years of service to West Hempfield Township. He has served as an elected member of the Board since 1973.
2. Kent Gardner reported the Clean Water Consortium has developed a guide for homeowners for storm water management on properties. The Township has copies which can be distributed to residents.

B. TOWNSHIP MANAGER.

INTERNAL MATTERS

1. **Workers Compensation Bonuses.** As discussed at the last meeting, the Township received a dividend from our workers' compensation insurance carrier. The Board agreed to split this with our employees. On October 25, 2017, all current employees who had worked in 2016 were given a \$100 bonus (net of taxes). I received numerous "thanks" from our employees who appreciated the recognition.
2. **2018 Refuse Collection.** Our cost to Republic Waste will increase \$2.60 per customer for the year, from \$118.20 to \$120.80. We are currently charging \$204 per customer for the year. Based on \$120.20 for collection, \$63.00 for tipping fees (on average one ton per year per customer), and \$20 for administrative costs, I am recommending we leave our 2018 refuse fees as-is.
$$\$120.60 + \$63.00 + \$20.00 = \$203.60$$
3. **2018 LCSWMA Rebate.** We have received notification from LCSWMA that their "tip fee rebate" program will be continued for 2018-2022. Our 2017 rebate will amount to about \$45,000. We have included this rebate in our estimated cost calculations for providing refuse collection to our residents.
4. **RHRA.** The 2013-2017 police contract set up a Retirement Health Reimbursement Arrangement for new police officers hired after January 2013, in lieu of post-retirement healthcare. Brenda and I continue to work with consultants in an attempt to bring an IRS approved plan document to the Board for consideration. This was tabled last month, but still not yet ready for Board action.
5. **Refuse Collection.** We have recently encountered several issues with refuse collection. These issues mainly involve residents who are not in compliance with our refuse collection ordinance – i.e. residents who have no approved method of trash collection and/or are delinquent in payment and have had their service stopped. We have begun to require compliance with our ordinance and have

advised that the Board is the only entity able to grant exceptions. If the Board prefers a different policy, please advise.

6. **HARC.** I have continued discussions with HARC concerning our mutual desire to expand HARC's presence and programming within West Hempfield Township, especially with our parks. Attached you will also find updated financial and Board information provided by HARC.
7. **Uniform Constriction Code (UCC):** West Hempfield Township has several amendments to the PA UCC. These amendments can make it confusing for our residents and builders as our requirements differ from state code. I am seeking authorization to work with our Solicitor to "clean up" our UCC adoption ordinance and remove any amendments which are not consistent with state law and not necessary for our administration of the UCC. *The Board Concurred.*
8. **Comprehensive Plan.** A joint session of the Board and PC will be held on Thursday, November 16, 2017 at 7:00 pm. The PC and I plan to review our Urban Growth Area map with the Board. We will also have the results of our community survey and some preliminary demographic information to share.

EXTERNAL MATTERS

1. **UGI – Stony Battery Road.** Work on the UGI project should be complete prior to your November 9 meeting. The detour and temporary traffic signal should be discontinued as well.
2. **Williams Pipeline.** Work on the pipeline within our Township continues. All parties have been respectful, including the protestors, contractors, and police. A special "thank you" to the numerous Lancaster area police departments and Pennsylvania State Police for assisting us.
3. **Marietta Avenue/Chiques Creek Bridge.** This bridge at the West Hempfield/East Donegal border was to have been replaced this past summer. The project has been delayed until next summer (2018). I have been advised that the project will take significantly longer than the originally planned 70 days. Attached is an informational letter from Plenary Walsh Keystone Partners. They will have a representative at our meeting to provide a brief overview of the project. *No Representative was present.*

PERSONNEL

1. **New Police Officer.** Our next applicant has been given a conditional job offer and is going through background checks and testing at this time. This applicant will be present before the Board meeting to meet the Board.
2. **Brenda Littig** started as our new Public Works employee on Monday, October 30, 2017. She is a part-time, temporary employee at this time.
3. **Police Contract.** The police contract is on this agenda for consideration. I would like to thank everyone involved with the negotiations, which were extremely professional and respectful. I HOPE TO PROVIDE YOU THE FINAL DRAFT MONDAY NOVEMBER 6, 2017. *Copies were provided.*
4. **Myself.** I have been asked by the Pennsylvania State Association of Boroughs (PSAB) to teach their Newly Elected Municipal Officials training program in January and February in Chester, Lancaster, and York counties. This will require the use of three vacation days for the Friday sessions. In accordance with my AICP code of ethics, I must obtain approval from you. *The Board concurred.*

OUTSIDE BOARDS AND COMMITTEES

1. **LASA.** LASA's annual dinner and meeting were held on Monday, October 23, 2017.

CORRESPONDENCE

1. **LCPC.** The Lancaster County Commissioners are seeking nominations for a Planning Commissioner for Region 2, which we are in. This seat is currently held by Mayor Leo Lutz. Nominations are due to James Cowhey, LCPC Executive Director by December 1, 2017.
2. **Raintree.** We have received Act 14 notification from ENTECH Engineering on behalf of LASA that they intend to file permits with DEP for the Raintree Sewer Project. We have 30 days to comment. As you are all familiar with this project, I have not included the document in this packet. Please let me know if you wish to see a copy.
3. **HB271 Gambling:** We received a letter from Representative Brett Miller regarding recently enacted HB271. We are still learning details, but it appears the Township will have until December 31, 2017 to prohibit by Resolution "Category 4" gambling licenses within our Township. Category 4 are small casinos with no more than 750 slots and 30 tables. Only 10 in entire state. Have to be at least 25 miles apart. *A similar letter was also received from Senator Ryan Aument and several telephone calls have been received from residents who are adamantly opposed to gambling. The Board unanimously agreed to have a Resolution on the December 5, 2017 agenda for consideration.*

MARIETTA SAFETY COMMITTEE

Correspondence was received from the Borough of Marietta informing that the Marietta Safety Committee has started investigating safety hazards related to Route 441 and other intersecting roads. The Board was provided with copies of the letter for review and discussion. Chief of Police Mark Pugliese I agreed there is a higher than normal number of accidents on Rt. 441.

C. TREASURER’S REPORT

1. SEPTEMBER 2017 FINANCIALS.

General Fund	\$ 2,875,066.57
Sewer Fund	\$ 270,970.45
Refuse Fund	\$ 341,493.91
Street Light Fund	\$ 25,536.26
Fire Hydrant Fund	\$ 68,892.92
TDR Fund	\$ 427,777.30
State Liquid Fund	\$ 516,087.16
Police Pension Fund	\$ 7,304,192.04
Non-Uniform Pension Fund	\$ 2,162,564.47
Recreation	\$ 15,394.02
Highway	\$ 832,853.61
Post Retirement	\$ 25,047.71
Health Care (HRA)	\$ 21,528.02
Fulton Bank	\$ 967,643.14
Total All Funds September 2017	\$ 15,855,047.58

2. 2017 AUDIT – BERTZ, HESS & CO., LLP.

An engagement letter has been received by Bertz, Hess & Co., LLP summarizing and confirming audit services to be provided to West Hempfield Township for the year ended December 31, 2017. After discussion, the following action was taken:

- ❖ **Motion:** Moved by Kent Gardner and seconded by Frank Burkhardt to *engage* Bertz, Hess & Co., LLP to provide audit services to West Hempfield Township for the year ended December 31, 2017 at a cost not to exceed \$12,000.00. The motion unanimously passed (5-0).

D. DEPARTMENT REPORTS: PUBLIC WORKS, ZONING/LAND USE, FIRE AND POLICE DEPARTMENTS.

Written reports were received and reviewed.

There was discussion pertaining to a solicitation received from L.A.W. Publications. Chief of Police Mark G. Pugliese I explained that this organization is soliciting municipalities to provide and distribute public safety publications: L.A.W. Publications solicits business in the township for advertisements in the publications and the municipality would distribute the materials to the community. A sample packet is available in the conference room. Chief Pugliese stated his concerns being that this organization will go out soliciting township businesses for ads and the time and cost involved for the Municipality to distribute the materials; therefore, he does not recommend that the Township participate. The Board *concurred*, citing that there may be other priorities that would come before this type of endeavor.

Chief of Police Pugliese also reported that due to several publicized cases of officers accidentally encountering drugs due to arrest, person or vehicle searches, etc. he has now outfitted each officer with an individual naloxone dose so that they will have it readily available on their person for either themselves or another first responder. The pouches they are carried in were purchased through department funds; however, the naloxone was obtained through a grant the District Attorney's Office is hosting and a \$2,000 donation from BCI. Officers also have tourniquets and first aid supplies on them. Chief Pugliese will be preparing a press release.

E. GUESTS

1. RORY MCGLASSON, MARIETTA AVE. (PA23) BRIDGE REPACEMENT.

Andrew Stern reported briefly on this project earlier in the meeting and provided an informational letter from Plenary Walsh Keystone Partners who expected to have a representative present at tonight's meeting to provide a brief overview of the project. No representative was present.

F. RESIDENTS - None

IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

AGENDA ITEM:

**A. Summit Living LLC – WHTPC #76
Request for Conditional Use
Location: 755 Summit Drive**

A previous conditional use application, Case No. 75, was acted upon by the West Hempfield Township Board of Supervisors, September 5, 2017. The Applicant is filing a new conditional use request to address certain conditions as set forth in the

Adjudication of Case No. 75. No changes are proposed to the use. Applicant accepts conditions numbered 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16.

Action Required:

- ❖ **Motion:** Motion was made by Kent Gardner and seconded by Edward Fisher to *authorize* referral of the Conditional Use Application to the Planning Commission for their November 16, 2017 Agenda and to set the hearing date, limited to conditions already imposed, for December 5, 2017. The motion passed (5-0).

V. NEW MUNICIPAL COMPLEX.

A. UPDATE.

Andrew Stern reported all is going well and reviewed his new building update memorandum dated November 1, 2017. At this point, completion date has moved up to April 26, 2018. By contract they have until July 2018. At present, we are tracking about \$363,541 below budget.

UGI has run natural gas service to the property; PPL has now provided temporary electric service to the property; the contractor is currently working to complete the exterior shell of the building in order to be prepared for the winter; and a list of minor adjustments/change orders, all of which have been well under \$10,000, was provided.

Up until this point, Mr. Stern has provided the Board a detailed spreadsheet. Given its growing size, he has changed to a summary spreadsheet which was attached to his memorandum. The full detail is available on request.

B. SANITARY SEWER

The sanitary sewer issue has almost been resolved. PennDOT has approved our HOP and we have received LASA approval;

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

A. AG SECURITY AREA – RODNEY M. HEISEY AND TERESA K. HEISEY

The Township has received notice and copy of an Agricultural Security Area Declaration submitted by Rodney M. Heisey and Teresa K. Heisey, who would like to add their farm to the Township's established Agricultural Security Area. Andrew Stern provided copies of the declaration and explained the two methods of processing: Historical Approach (waiting out the 180-day limit for Township action and thus declaring the ASA application approved) and Standard Procedure (as prescribed by the

Ag Security Area law, an explanation of which was provided on the back of declaration). After review and discussion, the following action was taken:

- ❖ **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *acknowledge* receipt of the declaration submitted by Rodney M. Heisey and Teresa K. Heisey to add their farm to West Hempfield Township's established Agricultural Security Area by completion and return the Township Procedure Acknowledgement form notifying the Lancaster County Agricultural Preserve Board of the Township's intents to process the ASA Declaration using the Historical Approach process. The motion unanimously passed (5-0).

B. AG SECURITY AREA – G. DAVID GINDER

The Township has received notice and copy of an Agricultural Security Area Declaration submitted by G. David Ginder, who would like to add his farm to the Township's established Agricultural Security Area. Andrew Stern provided copies of the declaration and explained the two methods of processing: Historical Approach (waiting out the 180-day limit for Township action and thus declaring the ASA application approved) and Standard Procedure (as prescribed by the Ag Security Area law, an explanation of which was provided on the back of declaration). After review and discussion, the following action was taken:

- ❖ **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *acknowledge* receipt of the declaration submitted by G. David Ginder to add his farm to West Hempfield Township's established Agricultural Security Area by completion and return of the Township Procedure Acknowledgement form notifying the Lancaster County Agricultural Preserve Board of the Township's intents to process the ASA Declaration using the Historical Approach method. The motion unanimously passed (5-0).

C. FIRE POLICE CHRISTMAS TREE LIGHTING, EAST HEMPFIELD TWP, NOVEMBER 18, 2017, 3:30-5:00 P.M.

- ❖ **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *approve* the request to hold the Fire Police Christmas Tree Lighting ceremony on Saturday, November 18, 2017 at 3:30 p.m. to 5:00 p.m. at the East Hempfield Township Recreation Center. The motion unanimously passed (5-0).

D. PERSONNEL POLICY UPDATE: UNPAID MEDICAL LEAVE

Andrew Stern provided and reviewed a copy of his memorandum dated October 30, 2017 recommending that the West Hempfield Township Personnel Manual for Non-Uniformed Employees be amended as proposed in the memorandum and include additional guidance pertaining to verbiage as provided by the Township's Labor Attorney. After review and discussion, the following action was taken:

- ❖ **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *approve* the amendment to the West Hempfield Township Personnel Manual for Non-Uniformed Employees as read and discussed to include the verbiage recommendations by the Township’s Labor Attorney. The motion passed (5-0).

VIII. ORDINANCES, RESOLUTIONS AND AGREEMENTS

A. WEST HEMPFIELD TOWNSHIP POLICE ASSOCIATION 2018-2022 AGREEMENT

Copies the West Hempfield Township Police Association 2018-2022 Agreement were previously provided to the Board. After further review and discussion, the following action was taken:

- ❖ **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *adopt* the West Hempfield Township Police Association 2018-2022 Agreement between West Hempfield Township and the West Hempfield Township Police Department. The motion passed (5-0).

IX. APPROVAL OF PAYABLES.

FUND	AMOUNT	CHECK #'S
Payroll and Taxes	\$ 192,429.03	EFT
General Fund	\$ 774,532.88	29528 - 29637
Fulton Bank	\$ 530,562.02	145 - 156
Refuse Fund	\$ 129,733.75	2533 - 2549
Street Light	\$ 8,857.19	421 - 422
Fire Hydrant	\$ 26,150.18	222
State Fund	\$ 4,165.38	3178 - 3181
Total	\$ 1,666,430.43	

- ❖ **Motion:** Kent Gardner moved, seconded by Frank Burkhart to *approve* payment of all bills between October 1– October 31, 2017 and any residuals. The motion passed (5-0).

X. GOOD OF THE ORDER

A. UPCOMING MEETINGS

1. November 16, 2017, Joint PC/Board Meeting
2. December 5, 2017, Regular Meeting
3. TBD, Budget Adoption Meeting

XI. ADJOURNMENT.

Chairman Dumeyer asked for a motion to adjourn the regular Board of Supervisors meeting at 8:30 p.m.

- ❖ **Motion:** Kent Gardner moved, seconded by Frank Burkhart to *adjourn* the regular Board of Supervisors meeting at 8:30 p.m. Motion carried unanimously (5-0).

Respectfully submitted,



Andrew Stern,
Township Manager

