

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of December 5, 2017

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, December 5, 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; Zoning Officer Dwayne Steager; Township Solicitor Josele Cleary and Judy Carrier, Recording Secretary. Brenda Baumbach, Finance/Personnel Director was 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. CONDITIONAL USE HEARING: CASE No. 76 (60 days 12/9/17)
SUMMIT LIVING LLC, 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.

Chairman Dumeyer opened the Conditional Use Public Hearing to the applicant, parties testifying, and the public. He explained the purpose, rules and regulations of the public hearing process and advised that 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. 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.

All parties with standing and wishing to present testimony were sworn in. The applicant and the township staff are automatically parties to the hearing. All persons in the audience wishing to ask questions of the witnesses were given the opportunity to do so. State Law requires a court stenographer be present to record the testimony and the stenographic transcript will be the official record of the hearing. Chairman Dumeyer recognized Township Solicitor Josele Cleary, Morgan, Hallgren, Crosswell & Kane, P.C. who conducted the hearing. Representing the applicant, Summit Living, LLC, were Stephen J. Artz, Owner, Yorktown Builders and Sandy Kime, ELA Group.

Following receipt of all evidence, testimony and public comments, Chairman David Dumeyer entertained a motion to close the record of the Hearing at 8:32 p.m. with the understanding the Board will not take any further testimony but will confer with counsel. This matter will be placed as an action item on the January 2, 2018 regular board meeting agenda. Edward Fisher moved and Frank Burkhart seconded the motion to *close* the record of the Hearing at 8:32 p.m. as discussed. The motion passed (5-0).

The regular Board of Supervisors meeting was re-opened by Chairman Dumeyer at 8:50 p.m.

II. GUEST: BRETT MILLER REPRESENTATIVE, PENNSYLVANIA HOUSE OF REPRESENTATIVES

Representative Brett Miller was present to thank Board Supervisor Frank Burkhart for his work and commitment to the community. On behalf of the House of Representatives, Mr. Miller presented a citation to Mr. Burkhart recognizing him for his 44 years of service to the Township and the fine example he has set throughout those years.

III. OATH OF OFFICE: POLICE OFFICER GABRIEL RIMOLO

Gabriel Rimolo was ceremonially sworn in as West Hempfield Township's newest police officer. Officer Rimolo was officially sworn in by David Dumeyer two weeks ago and began working at that time.

Officer Rimolo is a former police officer with the Elkton Police Department in Maryland having been hired in August of 2015. Prior to that, he was an officer with Baltimore City Police Department from September 2011 through August 2015. He recently moved back to York County having lived in York County previously. Officer Rimolo grew up in Union, NJ and received a Bachelor of Arts in Criminal Justice from Kean University. He is a graduate of the Baltimore City Police Department Training Academy.

Accompanying Officer Rimolo was his wife, Janene and their son, Luca. Following administering of the oath of office by Chairman Dumeyer, Mrs. Rimolo pinned Officer Rimolo's badge on his uniform. The Board, public, friends and family congratulated Officer Rimolo on becoming a West Hempfield Township sworn officer.

IV. APPROVAL OF MINUTES.

- A. November 6, 2017 Budget meeting.
- B. November 9, 2017 Regular meeting.
- C. November 16, 2017 Joint Meeting with Planning Commission.

❖ **Motion:** Moved by Kent Gardner and seconded by Frank Burkhart to *approve* the above listed meeting minutes as presented. Motion carried, (5-0).

V. COMMUNICATIONS.

A. BOARD OF SUPERVISORS

1. Chairman Dumeyer commended the road crew on leaf collection.

B. TOWNSHIP MANAGER.

INTERNAL MATTERS

1. **Comprehensive Plan.** A joint BOS/PC meeting was held on November 16. I have since revised our DRAFT proposed UGA map and sent it to LCPC to unofficially review (a copy is attached to this report). I have also been working to create our GIS maps for the new comprehensive plan. As indicated at the joint meeting, the County's draft Comp Plan will be out in March, at which time I would like to mirror parts of their plan in attempting a draft plan for us to work through and eventually consider.
2. **Non-Uniformed Pension Plan Non-Intervening Military Time.** This topic had been brought up by a member of the Board some month ago and we have been working with our actuary Conrad-Siegel to determine the cost and value/benefit of such a change to our pension plan. I had indicated in an earlier discussion that the benefits to non-police employees are minimal and the cost is significant. Attached is a letter from David Killick at Conrad-Siegel which explains this in more detail. At this point, I am seeking a direction from the Board as to whether we should continue to pay Conrad-Siegel to study this further or not. *The Board concurred there is no need for any further actuary work.*
3. **Pension Plans.** We have received our Actuarial Valuations for Uniformed and Non-uniformed Pension Plans. I have attached copies of the executive summaries for each plan to this report. Please let me know if you would like a copy of the entire report(s).
4. **Leaf Machine.** We sold one of our old leaf machines to Womelsdorf Borough (Berks County between Lebanon and Reading) for \$500. The machine was not operational and will be used for parts to repair Womelsdorf's broken machine.

EXTERNAL MATTERS

1. **Marietta Avenue/Chiques Creek Bridge.** Although the project representative did not attend our last meeting as expected, he did meet with the Police Chief and I the next day. Plans and information have been provided and are in the Board room for public review. As part of PennDOT's requirements, they have to put a display board in our Township and they ask that anyone who looks at it signs the sign-up sheet so there is a record that it was on public display. The Chief will be

providing ideas to the engineer about our local roads we would like posted for no truck traffic or not detour traffic.

PERSONNEL

1. **New Police Officer.** Our newest Officer, Gabriel Rimolo, will be ceremonially sworn in at this meeting. He was officially sworn in by Dave Dumeyer two weeks ago and has been working here since then.
2. **Police Contract.** The police contract has been signed by all parties and will be in effect January 1, 2018.
3. **Dwayne Steager.** Dwayne attended a BCO class in Williamsport November 6-10 and successfully took his BCO exam on November 10. I have on the agenda his appointment as our BCO, although it will need to be conditioned on Dwayne receiving his BCO certification number from PA Labor & Industry, which we expect any day.
4. **Notary Public.** As we do not currently have a Notary Public on staff, I have begun the process to become one myself. This will allow me to notarize Township documents as the Township Secretary without an outside Notary. I am currently waiting for the state to schedule my exam in order to complete the process.

OUTSIDE BOARDS AND COMMITTEES

Nothing new to report.

CORRESPONDENCE

1. **RHI Magnesita.** We received notification of hazardous and extremely hazardous materials at this company located in West Manchester Township, York County. Their facilities convey Stormwater which eventually makes its way to the Susquehanna River, which is technically within our Township.
2. **District Attorney.** We received the Drug Task Force's 3rd Quarter Report.
3. **Pennsylvania Family Council.** We received a letter encouraging us to prohibit Category 4 gambling facilities in this Township.

C. TREASURER’S REPORT

OCTOBER 2017 FINANCIALS

General Fund	\$ 2,148,945.85
Sewer Fund	\$ 271,444.96
Refuse Fund	\$ 267,215.35
Street Light Fund	\$ 16,727.72
Fire Hydrant Fund	\$ 42,782.23
TDR Fund	\$ 587,033.65
State Liquid Fund	\$ 511,965.20
Police Pension Fund	\$ 7,902,521.93
Non-Uniform Pension Fund	\$ 2,286,097.51
Recreation	\$ 15,401.88
Highway	\$ 833,352.72
Post Retirement	\$ 25,064.82
Health Care (HRA)	\$ 20,522.22
Fulton Bank	\$ 1,515,536.07
Total All Funds October 2017	<u>\$ 16,444,612.11</u>

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

Written reports were reviewed and discussed.

E. RESIDENTS – None

VI. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

AGENDA ITEM:

**Iron Ridge 9 Day: (2/6/2018)
 David and Sarah Wolfe – WHTPC 09-17
 Preliminary/Final Subdivision Plan
 Location 4022 & 4033 Marietta Avenue**

The applicant is proposing to subdivide this parcel into six (6) total lots. The six proposed lots will each have road frontage and common driveway access onto Marietta Avenue. One of the six lots will encumber the existing single-family detached dwelling and barn which currently occupies the parent tract. PennDOT has requested that only two driveway accesses be proposed onto Marietta Avenue, so a common driveway to Lots 1, 2 and 3 is proposed and a second common driveway to Lots 4, 5 and 6 is proposed. The lots will be

served by public water and sewer. The storm water facilities and improvements are located on the plan. On May 9, 2017 the West Hempfield Zoning Hearing Board approved Case #1256 for variances for lot width and shared driveway.

David Wolfe, applicant, David Christian, David Christian Associates and Melissa Kelly, Rettew were present to address the findings of Rettew Review No. 2 dated November 9, 2017 pertaining to requested variances for lot width and shared driveway as follows:

Subdivision 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.

- ❖ **Motion** was made by Edward Fisher and seconded by Frank Burkhart to *approve* 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. The motion passed (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 twenty feet (1"=20') or one inch equals forty feet (1"=40') and one inch equals sixty feet (1"=60').

- ❖ **Motion** was made by Edward Fisher and seconded by Frank Burkhart to *approve* this modification request based on the justification and alternative provided. The motion passed (5-0).

C. Sections 602.K.1, 602.K.5, and 602.K.6.a-Dedication of Additional Right of Way and Street Widening

The applicant has requested a waiver of the requirement to dedicate additional right-of-way along Marietta Avenue and widen Marietta Avenue. In the alternative, the applicant is providing five feet (5') of possible future right-of-way along the frontage with the offer for dedication if the Township or PennDOT wants to accept it and to not widen the cartway.

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *allow* the applicant to defer the widening of the cartway and dedication of additional right-of-way subject to the condition that the following note is added to the plan: "The West Hempfield Township Subdivision and Land Development Ordinance (SALDO) requires construction of curbs, Road Widening, and additional right-of-way at all locations where the property abuts a public street. Upon owner's request for modifications, the obligation to complete the Curbs and Road Widening at such locations has been deferred by the Township subject to the condition that the Board of Supervisors may, at any time at the Board's sole discretion, direct that such improvements be constructed and completed in accordance with the applicable standards required by the Township at the time of such direction by the Township, at the sole expense of

the owner of the property at the time of such direction by the Township. The owner of the property shall be required to complete such construction, as directed by Township Officials, within six (6) months of the date of notice to do so". The motion passed (5-0).

D. Section 602.M-Curbing

The applicant is requesting a deferral from the requirements to provide curbing along Marietta Avenue. The applicant states that providing curbing along only this section would pose a safety concern.

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *allow* the applicant to defer installation of the required improvements subject to the condition that the following note is added to the plan: "The West Hempfield Township Subdivision and Land Development Ordinance (SALDO) requires construction of curbs and Road Widening, at all locations where the property abuts a public street. Upon owner's request for modifications, the obligation to complete the Curbs and Road Widening at such locations has been deferred by the Township subject to the condition that the Board of Supervisors may, at any time at the Board's sole discretion, direct that such improvements be constructed and completed in accordance with the applicable standards required by the Township at the time of such direction by the Township, at the sole expense of the owner of the property at the time of such direction by the Township. The owner of the property shall be required to complete such construction, as directed by Township Officials, within six (6) months of the date of notice to do so". The motion passed (5-0).

E. Section 602.N.1-Sidewalk

The applicant is requesting a modification of the requirement to provide concrete sidewalk within the right-of-way, along the frontage of Marietta Avenue. In the alternative, the applicant has provided a 4'-wide bituminous walkway outside the right-of-way, in a 5' wide easement.

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* this modification request based on the justification and alternative provided. The motion passed (5-0).

F. Section 604.D.3-Lot Depth to Width Ratio

The applicant has requested a modification of the requirement of a 4:1 depth to width ratio for Lot 5, a flag lot. In the alternative, the applicant has provided a lot width of 83 feet and a depth of 1,065 feet. The proposed ratio is 12:8:1.

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* this waiver based on the justification and alternative provided. The motion passed (5-0).

Storm Water Management Ordinance

A. Section 122-36.A.2-Pipe Profile Scale

The applicant has requested a modification of the requirement to provide pipe profiles at a horizontal scale of one inch equals fifty feet (1"=50') and a vertical scale of one inch equals five feet (1"=5') or one inch equals ten feet (1"=10'). In the alternative, the applicant has provided a pipe profile horizontal scale of one inch equals forty feet (1"=40') and a vertical scale of one inch equals four feet (1"=4').

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* this modification request based on the justification and alternative provided. The motion passed (5-0).

B. Section 122-46.D.d.4-Swale Side Slopes

The applicant has requested a modification of the requirement to provide swale side slopes at a maximum slope of 4:1. In the alternative, the applicant proposes side slopes 3:1 in Swales I, J, O, P, and Q.

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* this modification request based on the justification and alternative provided. The motion passed (5-0).

C. Section 122-48.A.2.c-Loading Ratios

The applicant has requested a modification of the requirement to provide a maximum total drainage area to infiltration area ratio of 5:1. In the alternative, the applicant proposes a ratio of 5.92:1 for the Lot 3 infiltration pit, 6.35:1 for the Lot 4 infiltration pit, and 6.12:1 for the Lot 5 rain garden/infiltration basin.

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* this modification request based on the justification and alternative provided. The motion passed (5-0).

D. Section 122-46.D.a – Minimum Pipe Diameter (New Request This Submission)

The applicant has requested a modification of the requirement to provide a minimum pipe diameter of 15 inches for storm water pipes subject to a vehicle load outside a public right-of-way. In the alternative, the applicant proposes eight (8) inch diameter SLCPP or PVC pipe in several locations under the driveways with supporting calculations showing the pipes have capacity to convey the 100-year storm event. The applicant proposes to maintain at least two (2) feet of cover between the top of pipe and bottom of driveway stone as a condition of approval.

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to *approve* this modification request based on the justification and alternative provided and with the condition that at least two (2) feet of cover be provided between the top of pipe and bottom of driveway stone. The motion passed (5-0).

Action Required:

Motion to Approve Final Plan.

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the Final Plan with the condition that applicant address all remaining comments to the satisfaction of the Board. The motion passed (5-0).

VII. NEW MUNICIPAL COMPLEX.

A. UPDATE.

Andrew Stern reported all is going well and reviewed his new building update memorandum dated November 29, 2017. Completion date has moved up to April 26, 2018. At present, we are tracking about \$350,000 below budget. The contractor is currently working to complete the exterior shell of the building (roof, exterior walls, etc) in order to be prepared for the winter. We continue to have had a number of minor adjustments/change orders as the interior is beginning to take shape.

The sanitary sewer issue has almost been resolved. We are awaiting a proposed price from our contractor.

Mr. Stern reported that it will cost \$5,000 to move the ten-burner electric range in the Fire Station kitchen and asked permission to purchase a new ten-burner gas range, the cost of which will be far less. ***The Board concurred.***

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS

A. APPOINT DWAYNE STEAGER BUILDING CODE OFFICIAL (BCO)

Andrew Stern reported that Dwayne Steager has passed the BCO exam and is waiting on the certification.

- ❖ **Motion**: Motion was made by Kent Gardner and seconded by Frank Burkhardt to ***appoint*** Dwayne Steager Building Code Official (BCO) subject to arrival of Certification by the State. The motion passed (5-0).

B. HARC TRI FOR LIFE TRIATHLON, APRIL 29, 2018

A request was received from the Hempfield Area Recreation Commission to use Township roads for their Annual Tri for Life Triathlon. The proposed date is Sunday, April 29, 2018 and they plan to conduct the event from the Hempfield Rec at 950 Church Street, Landisville. They are requesting permission from the Township and support from the police department and fire police for the event in which all proceeds will benefit the valuable programs for children in their area. A map of the biking and running course which travels through East Hempfield, West Hempfield and Rapho Townships was provided that identified key locations and intersections in which police

or fire police protection would be requested during the course of the race from 8:00 a.m. to 10:30 a.m.

- ❖ **Motion:** Motion was made by Kent Gardner and seconded by Edward Fisher to *approve* the request received from HARC for use of Township roads for their Annual Tri for Life Triathlon as submitted and discussed. The motion passed (5-0).

C. CODY RECORDS MANAGEMENT SYSTEM

Chief of Police Mark Pugliese I reported he has received a formal proposal of \$48,482.14 for the cost of the CODY Records Management System plus an additional \$5,000 to convert current RMS data over to CODY and briefly reviewed several outstanding issues. Chief Pugliese recommended moving forward with the CODY system.

- ❖ **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *approve* the purchase of the CODY Records Management System with the data conversion of the PREX records data to CODY at a cost not to exceed \$50,000.00 with at least one additional year of service at a cost not to exceed \$9,000.00. The motion passed (5-0).

X. ORDINANCES AND RESOLUTIONS

A. RESOLUTION 19-2017 RECOGNIZING FRANK BURKHART'S 44 YEARS OF SERVICE

A reception was held this afternoon at the West Hempfield Township Municipal building where fellow Board Members, Township staff, family and others who had the opportunity to work with him honored Frank Burkhart on his retirement from the West Hempfield Township Board of Supervisors.

Chairman Dumeyer read Resolution 19-2017 recognizing and thanking Mr. Burkhart for his 44 years of dedicated service to West Hempfield Township as a public servant and congratulating him on his retirement, wishing him good health to enjoy his family and encouraging his continued advice for the West Hempfield Township Board of Supervisors as challenges of the future are addressed and as he has addressed and overcome the challenges of the past. Mr. Burkhart thanked all people of the township for their truly amazing good wishes and remarked he will listen to anyone who may need his help.

- ❖ **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *adopt* Resolution 19-2017 recognizing Frank Burkhart's 44 years of continuous service to the citizens of West Hempfield Township. The motion passed (5-0).

B. RESOLUTION 23-2017 PROHIBITING CATEGORY 4 CASINOS IN THE TOWNSHIP

- ❖ **Motion:** Motion was made by Frank Burkhart and seconded by Kent Gardner to **adopt** Resolution 23-2017 to prohibit the placement of a Category 4 licensed facility within the boundaries of West Hempfield Township and that a copy of this resolution be delivered to the Pennsylvania Gaming Control Board no later than December 31, 2017. The motion passed (5-0).

XI. APPROVAL OF PAYABLES.

FUND	AMOUNT	CHECK #'S
Payroll and Taxes	\$ 191,209.16	EFT
General Fund	\$ 151,471.14	29638 - 29733
Fulton Bank	\$ 688,917.90	157 - 166
Refuse Fund	\$ 26,940.77	2550 - 2552
Street Light	\$ 8,756.89	423 - 424
WHT Escrow	\$ 11,344.31	197 - 199
State Fund	\$ 9,087.79	3182 - 3187
Total	\$ 1,087,727.96	

- ❖ **Motion:** Kent Gardner moved, seconded by Frank Burkhart to **approve** payment of all bills between November 1– November 30, 2017 and any residuals. The motion passed (5-0).

XII. GOOD OF THE ORDER

A. UPCOMING MEETINGS

1. Tuesday, January 2, 2018 Reorganization and Regular Meeting – 7:30 p.m.

XIII. ADJOURNMENT.

Chairman Dumeyer asked for a motion to adjourn the regular Board of Supervisors meeting at 9:39 p.m.

- ❖ **Motion:** Kent Gardner moved, seconded by Edward Fisher to **adjourn** the regular Board of Supervisors meeting at 9:39 p.m. Motion carried unanimously (5-0).

Respectfully submitted,



Andrew Stern,
Township Manager

