

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of July 11, 2017

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, July 11, 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; Zoning Officer Jodi Heffner, Chief of Police Mark Pugliese I; Public Works Director Dale Getz; and Judy Carrier, Recording Secretary. Brenda Baumbach, Finance/Personnel Director was not present for the 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.

II. APPROVAL OF MINUTES.

A. June 6, 2017 regular meeting.

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the Board's June 6, 2017 regular meeting minutes as presented. Motion unanimously carried, (5-0).

III. COMMUNICATIONS.

A. BOARD OF SUPERVISORS.

1. Chairman Dumeyer announced that an Executive Session was held immediately prior to this evening's regularly scheduled Board of Supervisors meeting to discuss personnel matters.
2. Kent Gardner reported LIMC will be holding a meeting at the Township Municipal Office tomorrow (Wednesday, July 12) beginning at 8:00 a.m. Ralph Hutchison, East Lampeter Township Manager, will have a power point presentation on the tentative trail plan using old Rt. 23 from New Holland to the City.

B. TOWNSHIP MANAGER.

INTERNAL MATTERS

1. **LASA:** Closing on the sale of our sanitary sewer system is scheduled for June 30, 2017. Chairman Dumeyer and I signed all documents prior to my departure.
2. **Insurance:** We have renewed our insurance through our broker, EHD. Our annual premium will be increasing about 18% (from \$83,719 to \$98,661), mostly due to the following factors:
 - a. General liability is increasing as it is based in part on our total budget, which has increased due to the new building.

- b. Commercial Auto has increased due to additional vehicle purchases by the Township and Fire Company.
 - c. Cyber Insurance has increased as I have raised our coverages to more appropriate levels.
 - d. We have added Crime Coverage, which covers claims such as theft, employee dishonesty, computer fraud, etc.
 - e. Increased Umbrella limit. We are increasing from \$2 million to \$5 million, which is an increase of \$6,165/year. I have discussed this with our labor attorney who believes the \$5 million limit would be more appropriate for us. As an example of my concern, a settlement was reached in a police shooting in Pleasantville, NY last month, where the officer was not criminally charged, but the city still ended up paying the family \$6 million. Baltimore's 2015 police incident, where officers were charged, but not convicted, settled at \$6.4 million. Similar cases can be found around the nation.
3. **Budget.** Our next meeting of the Board is August 1. Please keep in mind we will be starting our 2018 budget process very soon! Please let staff know if you have any requests for the budget. As you are aware, the new assessments will be in place, thus we will have a change to our millage rate for 2018, although we do not yet know the new adjusted rate.
 4. **Pension.** Brenda and I met with representatives from BB&T regarding our pension funds. In general, our funds are performing well. However, as you may be aware, for the Police Pension, BB&T has our fixed income investments and Wells Fargo has our Equity investments. I have a few concerns with this approach and would like the Board's thoughts on combining the two with one company, either one of our existing companies, or an RFP open to all companies. Combining these would help our advisors make well rounded decisions and can also reduce our costs.

Action: The Board concurred with Mr. Stern's recommendation that both BB&T and Wells Fargo be asked to submit proposals for combining funds with one company.
 5. **BB&T.** On this agenda you will find a few items relating to our pension fund investments at BB&T:
 - a. **Investment Policy Statements** (Non-Uniformed Pension, Police Pension, and General Fund)
 - b. **Investment Management Agency Agreements** (Non-Uniformed Pension, Police Pension, and General Fund)
 - c. **Resolution #11-17** authorizing signatures for our BB&T accounts

EXTERNAL MATTERS

1. **St. Mary's Coptic Church:** The church presented their appeals to the Zoning Hearing Board June 13, 2017. The Zoning Hearing Board continued the case until the July 18, 2017 meeting in order to review information in further detail. Josele Cleary represented the Township's concerns regarding the height of the proposed structure.
2. **Stephen King:** Stephen King again went before the Zoning Hearing Board at their June 13, 2017 meeting to seek approval for his pallet business at his house at 913 Silver Spring Rd. The Zoning Hearing Board determined that his time for appeal had expired and he must comply with the ordinance and the violation notices sent to him. He and his attorney have since been advised that we intend to file with the District Magistrate on July 6 if any pallets remain at the premises.

PERSONNEL

1. **Recording Secretary.** At the Board's February meeting, you agreed to create a part-time position for a recording secretary, but limited your approval for a six month trial period. The six months ends with July's meeting. Staff is requesting that you extend this approval indefinitely. Judy Carrier has been taking minutes for us and as you know, the minutes have been done well. Her efforts have provided staff, Brenda in particular, upwards of 20 hours a month of additional time to devote to her primary responsibilities. Judy's hourly rate is \$18.28. To date we have spent \$846.

Action: Motion was made by Kent Gardner and seconded by Frank Burkhart to *approve* the part-time position of Recording Secretary for Board of Supervisors Meeting Minutes indefinitely. The motion passed (5-0). Judy Carrier was asked to continue in the position and she agreed to do so.

2. **Police Contract.** We have begun our negotiations with the Police. The Association has presented us with their requests. We are now working to prepare our response.

3. **Agreement, Bradley J. Rohrbaugh.**

Action: Motion was made by Edward Fisher and seconded by Kent Gardner to *approve* the agreement and general release of claims as presented. The motion passed (5-0).

OUTSIDE BOARDS AND COMMITTEES

1. On June 7, 2017, I attended the Chiques Creek Watershed Expo.
2. On June 23, 2017, I attended a meeting of managers within municipalities which are part of HARC. We discussed HARC's requested changes to our agreements. We will be meeting again July 12.

CORRESPONDENCE

1. **Water Quality.** We have received the 2016 Annual Water Quality Reports from Columbia Water and from the East Hempfield Water Authority.
2. **Lancaster City Water.** We were advised that the City of Lancaster’s problem of high Haloacetic Acids (HAAs) has been corrected and the City of Lancaster Water System no longer exceeds the standard, or maximum contaminant level (MCL).
3. **Board of Assessment Appeals.** We were advised on June 20, 2017 that our new municipal building and property have been approved to remain tax exempt.
4. **LCATS:** Golf Outing and Dinner Invitation for Tuesday, August 29, 2017 is attached to this report.

C. TREASURER’S REPORT: MAY 2017 FINANCIALS.

General Fund	\$ 2,700,512.13
Sewer Fund	\$ 257,353.23
Refuse Fund	\$ 363,758.42
Street Light Fund	\$ 7,246.34
Fire Hydrant Fund	\$ 43,436.26
TDR Fund	\$ 426,761.55
State Liquid Fund	\$ 851,675.70
Police Pension Fund	\$ 6,258,446.98
Non-Uniform Pension Fund	\$ 2,102,655.76
Recreation	\$ 15,350.39
Highway	\$ 830,662.06
Post Retirement	\$ 24,986.62
Health Care (HRA)	\$ 27,066.48
Total All Funds May 2017	\$ 13,909,911.92

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

Written reports were received from the Police, Public Works, Zoning/Land Use and Fire Departments. There were no comments or questions (Board or Public).

E. GUESTS.

1. HARC - Jeffrey A. Book, Executive Director, Hempfield Area Recreation Commission was present to invite the Supervisors to attend an open house of the

facility on Wednesday, July 26th. All Managers, Supervisors, Council Members, and Board Members from East Hempfield Township, West Hempfield Township, Mountville Borough, East Petersburg Borough and the Hempfield School District will be given tours of the facility at 6:30 p.m. highlighting the many changes taking place, followed at 7:00 p.m. by a question and answer period with the HARC Board of Directors and the Executive Director.

F. RESIDENTS.

1. DAN FORRY, 1015 PROSPECT ROAD, COLUMBIA reported it is impossible to safely drive machinery and trucks on Indianhead Road and Ironville Pike due to low hanging tree branches; Burma Road is not wide enough for two cars to pass each other; the banks of recently purchased property on Indianhead Road are not being mowed, and the road banks on Stony Battery Road near the Ginder property are not being mowed. He questioned who is responsible to trim trees in the right-of-way . . . the Property Owner or the Township? Chairman Dumeyer advised the Board will schedule to look into these issues as a group during the next road tour in early September.

IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

AGENDA ITEMS:

**A. Dollar General – WHTPC 15-06
Request for Release of Financial Security
Location: 3510 Marietta Avenue**

The applicant is requesting a full release of their financial security. The Township Engineer recommends that the financial security be reduced by \$24,614.87 which will leave a new outstanding balance of \$12,303.63. This amount is adequate to cover the costs of the following outstanding items on the As-Built Review 2 letter dated, June 26, 2017 which need to be completed:

1. The actual location and elevation of the emergency spillway needs to be provided on the as-built plans (§122-59.4.C). The approved grading plan indicates that the emergency spillway is located at the south side of Rain Garden 1; however, the as-built plan does not have a clearly identified emergency spillway (it appears to be at the sides of the rain garden) and the berm height is inconsistent. This needs to be addressed.
2. Prior to the final release of the financial security, the developer shall provide the Township with one (1) Mylar, two (2) paper copies, and a PDF file of the final as-built plan. In addition, a GIS compatible electronic copy of the as-built plan needs to be provided (§122-59.5).

3. The certification of completion needs to be signed by the Applicator's qualified licensed professional verifying that all permanent storm water management facilities have been constructed and are functioning in accordance with the approved plan (§122-59.6).
4. Verification by the licensed professional present during installation of the NPDES "Critical Stages of Construction" needs to be provided. In addition, evidence of acceptance of the NPDES Notice of Termination

Action Required:

- **Motion:** Motion was made by Kent Gardner and seconded by Edward Fisher to *deny* the request to release Financial Security. The motion passed (5-0).
- **Motion:** Motion was made by Edward Fisher and seconded by Frank Burkhart to *approve* the reduction of financial security from \$36,918.50 to \$12,303.63 which is a reduction of \$24,614.87. This will be contingent on the outstanding items being completed to the satisfaction of the Township Engineer and Township Staff. The motion passed (5-0).

B. Saint Anne's Retirement Community - WHTPC 15-07R
Revised Final Land Development Plan
Location: 3952 Columbia Avenue
Zone: R-3
Acreage: 42.75

Cheryl Love, EA Group, submitted a revised plan on behalf of the applicant. Also present were Michele Bard and Mary Turnbaugh of Saint Anne's Retirement Community and Cary Zamilski, Project Manager, Benchmark Construction. The applicant proposes to expand their existing retirement community on its residual undeveloped property. Conditional Use was granted by the Board of Supervisors on January 21, 2015.

On September 1, 2015 the Saint Anne's Retirement Community Preliminary/Final Land Development Lot Add-On Plan was approved by the Board of Supervisors and recorded.

This revision includes shifting a water line, substituting bituminous sidewalks for the concrete sidewalks, grading and a retaining wall, removing the basement level and access drive for Apartment Building "C" as well as the access drive from Parking Lot "B".

On June 15, 2017 the Saint Anne's Retirement Community Preliminary/Final Land Development Lot Add-On Plan was recommended for approval by the Planning Commission.

Action Required:

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *approve* the Saint Anne's Retirement Community Revised Final Land Development Plan with the condition that the applicant satisfies all outstanding comments and requirements to the satisfaction of the Township Engineer and Township Staff. The motion passed (5-0).

**C. Summit Living
Conditional Use**

Location: Summit Drive (behind Turkey Hill)

The applicant, Summit Living, LLC, submitted a Conditional Use Application proposing to develop a 6.192 acre tract of land located at 755 Summit Drive in the Village of Silver Spring, West Hempfield Township. The project site is located within the Traditional Village District. The Applicant is proposing to develop the site into a Planned Village Development to include 48 multiple family dwelling units. The Conditional Use Narrative submitted with the application was reviewed and discussed.

Action Required:

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *authorize* forwarding the Conditional Use Application to the Planning Commission for their July 20, 2017 Agenda and that the Board of Supervisors will schedule the Conditional Use Hearing for the August 1, 2017 Board of Supervisors Meeting at 7:30 p.m. The motion passed (5-0).

V. NEW MUNICIPAL COMPLEX.

A. UPDATE.

Andrew Stern reviewed his new building update report dated June 28, 2017 and accompanying financial information reporting that we remain on schedule and below budget for the construction of the new municipal building and that, overall, he remains pleased with the progress and with the work being performed.

**B. CHANGE ORDER 02-E, SECURITY & ACCESS CONTROL \$173,905.46
(APPROVED AT 6-6-2017 MEETING NOT TO EXCEED \$173,000)**

Andrew Stern presented and explained Change Order 02-E to add security and access control systems to the Electrical Contract in the amount of \$173,905.46.

- **Motion:** Motion was made by Kent Gardner and seconded by Edward Fisher to *approve* Change Order 02-E, Security & Access Control in an amount not to exceed \$174,000. The motion passed (5-0).

VI. UNFINISHED BUSINESS.

A. MS4 PRP: PUBLIC REVIEW PERIOD

Melissa Kelly, Rettew Associates, presented the Pollutant Reduction Plan Draft Document that will be available for public review tomorrow (July 12, 2017) until August 11, 2017 and explained the procedures relating to the public review period. After discussion, the following action was taken:

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart *authorizing* West Hempfield Township to invite public participation in the planning process by making the PRP available for a 30-day public review and comment period beginning July 12, 2017. The motion passed (5-0).

VII. NEW BUSINESS.

A. BB&T BANK: INVESTMENT POLICY STATEMENTS (NON-UNIFORMED PENSION, POLICE PENSION, AND GENERAL FUND)

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner *authorizing* the Chairman to sign each document as presented. The motion passed (5-0).

B. BB&T BANK: INVESTMENT MANAGEMENT AGENCY AGREEMENTS (NON-UNIFORMED PENSION, POLICE PENSION, AND GENERAL FUND)

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner *authorizing* the Chairman to sign each document as presented. The motion passed (5-0).

VIII. ORDINANCES AND RESOLUTIONS.

A. RESOLUTION 11-17: AUTHORIZE SIGNATORIES FOR BB&T NON-UNIFORM PENSION ACCOUNT

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *adopt* Resolution 11-17 authorizing the Chairman to execute Certification/Resolution 11-17 for accounts held at BB&T Investments as presented. The motion passed (5-0).

B. RESOLUTION 12-17: PPL – UPGRADE STREET LIGHTS TO LED

- **Motion:** Motion was made by Frank Burkhart and seconded by Kent Gardner to *adopt* Resolution 12-17:PPL providing for the furnishing of electric street lighting service to the Township of West Hempfield as presented. The motion passed (5-0).

IX. APPROVAL OF PAYABLES.

FUND	AMOUNT	CHECK #'S
General Fund 1	\$ 140,625.88	29108-29194
General Fund 2 Fulton Ckg	\$ 63,366.73	101-107
Sewer Fund	\$ 5,115.60	3749
Refuse Fund	\$ 35,660.49	2505-2508
Street Light Fund	\$ 4,434.13	418
Escrow Fund	\$ 7,376.30	187
State Fund	\$ 1,446.31	3149-3153
Payroll and Taxes	\$ 195,270.77	EFT
Total Checks	\$ 453,296.21	

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

X. ADJOURNMENT.

Chairman Dumeyer asked for a motion to adjourn the regular meeting at 8:47 p.m.

- **Motion:** Kent Gardner moved, seconded by Frank Burkhart to *adjourn* the regular Board of Supervisors meeting at 8:47 p.m. Motion carried unanimously (5-0).



Respectfully submitted,

Andrew Stern,
 Township Manager