

**WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING**  
**Minutes of September 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, September 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; Zoning Officer Jodi Heffner; Chief of Police Mark Pugliese I; and Judy Carrier, Recording Secretary. Public Works Director Dale Getz was not present due to storm emergencies; 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. CONDITIONAL USE APPLICATION, DECISION FOR HEARING HELD 8-1-2017  
CASE #75: SUMMIT LIVING, 755 SUMMIT DRIVE

Chairman Dumeyer presented a draft of the Decision for the Conditional Use Hearing held August 1, 2017 in re: Application of Summit Living, LLC for conditional use approval for planned village development and modifications on property located at 755 Summit Drive, Lancaster. After a reading and discussion of the drafted Decision and based on the findings of fact and conclusions of law as set forth in the Decision, the following action was taken:

- **Motion**: Motion was made by Edward Fisher and seconded by Kent Gardner to ***grant*** the application of Summit Living, LLC, as set forth under Summit Living LLC Decision for Conditional Use Application Hearing held August 1, 2017, Section III, Adjudication. The motion passed (5-0).

The draft of the Decision will be submitted to the applicant.

III. APPROVAL OF MINUTES.

A. August 1, 2017 regular meeting.

- **Motion**: Moved by Edward Fisher and seconded by Kent Gardner to ***approve*** the Board's August 1, 2017 regular meeting minutes as presented. Motion unanimously carried, (5-0).

IV. COMMUNICATIONS.

A. BOARD OF SUPERVISORS.

1. Frank Burkhart thanked everyone for their condolences and kindness on the sudden passing of his wife on August 6th. He acknowledged the efforts of the Police Department, rescue, ambulance and everyone that was involved in the

efforts and to all of those, as a Township body, who supported him with their well wishes, visits and sympathy.

2. Kent Gardner reported that Pequea has been voted in to LIMC by all municipalities. The next meeting will be held in October.

B. TOWNSHIP MANAGER.

**INTERNAL MATTERS**

1. **MS4 PRP:** Our draft MS4 Pollution Reduction Plan (PRP) has been available for public comment since July 12, 2017. We have not received any comments. This PRP is now being finalized for submission to DEP on or before the submission deadline of September 15, 2017. *Mr. Stern asked if there were any reasons the Board wished not to submit the Plan. None were expressed.*
2. **HARC:** On August 7, 2017, I met with Jeff Book. We discussed ideas for how West Hempfield and HARC might be able to work together to provide more services to our residents.
3. **Hazard Mitigation Plan:** On August 9, 2017, I attended a meeting with Lancaster County concerning the 5 year update of the County's Hazard Mitigation Plan. We are required to participate in their update process or to create our own plan. Working with the County is a much more efficient process!
4. **Woody Waste:** The Township has received a number of complaints about how we administer our woody waste drop-off program. At present, our waste drop off area is open 9:00 am to 12:00 noon on the second and fourth Saturdays from April through September. There are often lines during these times. There is little flexibility for persons not able to come at these times.

Other Townships, including Rapho, have instituted a drop off program using automatic gates with access cards for residents. We have looked into this and determined the approximate up front cost to be \$40,000. If we offer access cards to residents at \$10 each, we would need 4,000 residents to sign up in order to break even. Keep in mind we are currently spending about \$2,000 per year for overtime for the Saturday drop off times, which we can eliminate.

In addition, Mountville Borough has approached us about working together to allow their residents to drop off woody waste at our facility.

At this point, I am seeking authorization from the Board to work with Mountville Borough to draft a program with costs and fees for 12/7/365 (daylight hours only) resident access for final approval by the Board at a future date.

- **Action:** The Board *authorized* working with Mountville Borough to draft a program with cost and fees for 12/7/365 (daylight hours only) with extended

hours being ok. The request to develop a program for resident access cards was not approved at this time.

5. **Cardboard Dumpster:** In anticipation of our new building, we propose to move the cardboard dumpster to our public works facility next spring. *Mr. Stern asked the Board to let him know if they have any other suggestions.*
6. **Raintree Sewer Project:** We are down to one (1) property owner which has not responded. This property is vacant and does not currently have utilities. LASA will make accommodations for this property so the project can continue. The process should be moving forward soon.

#### EXTERNAL MATTERS

1. **UGI – Stony Battery Road:** UGI has changed their plans. Now they plan to work at night and not close the road. We have requested a meeting with UGI to understand their new plans and what they intend to do with the temporary traffic light, but they have not yet agreed to meet. On August 30, 2017, I sent a stern email to UGI requesting answers. *Mr. Stern reported that the above reported information has changed. UGI is now back to their original plan of closing the road.*
2. **Williams Pipeline:** An executed copy of the Road Use Agreement has been supplied to us along with the required escrow and bonding. We will be issuing road cut permits next week. Township policy does not allow road cut work from November to March. I am seeking the Board's approval to make an exception given the nature of the work that is to be performed. This matter has been placed on tonight's meeting agenda.

#### PERSONNEL

1. **Police Contract.** On August 29, 2017, we met with the Association again. We are making progress. I would like to update the Board during a brief executive session.

#### OUTSIDE BOARDS AND COMMITTEES

1. **UCC Appeal Board:** The UCC Appeals Board met on Monday, August 28, 2017 to reorganize. The Board again met Wednesday, August 30, 2017 to hear an appeal related to the Bardon/Cooper Booth project.

**CORRESPONDENCE**

1. **Strickler Run Dam:** We have been notified by DEP of a recent inspection of the Strickler Run Dam. As a result of this inspection, maintenance work is required. I have provided Rettew with the report and asked for their guidance.
2. **Weis Markets:** We have been notified by PA LCB that Weis Markets has requested a beer and wine license for their store at 1400 Stony Battery Road.
3. **HARC:** We received a thank you letter from HARC for our support of their golf outing held July 28. This was their first year for this event and they had 80 golfers with a net total raised of \$3,500.

**C. TREASURER'S REPORT: JULY 2017 FINANCIALS.**

|                           |                  |
|---------------------------|------------------|
| General Fund              | \$ 2,866,302.98  |
| Sewer Fund                | \$ 267,713.49    |
| Refuse Fund               | \$ 356,737.12    |
| Street Light Fund         | \$ 3,057.28      |
| Fire Hydrant Fund         | \$ 18,806.88     |
| TDR Fund                  | \$ 427,227.55    |
| State Liquid Fund         | \$ 848,297.57    |
| Police Pension Fund       | \$ 7,822,893.48  |
| Non-Uniform Pension Fund  | \$ 2,135,186.72  |
| Recreation                | \$ 15,370.51     |
| Highway                   | \$ 831,685.18    |
| Post Retirement           | \$ 25,015.52     |
| Health Care (HRA)         | \$ 25,093.33     |
| Fulton Bank               | \$ 1,550,878.36  |
| Total All Funds June 2017 | \$ 17,194,265.97 |

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

Written reports were received from the Public Works, Zoning/Land Use, Police and Fire Departments.

1. **POLICE:** Chief Mark Pugliese provided statistical data for June and July and a narrative on the months of July and August. He also provided a Cody Records Management Worksheet and noted that while this will be a budget item for next year, a decision will have to be made before the end of this year in order to start January 1, 2018.

2. **FIRE:** Mountville Fire Chief Dean Gantz reported on a Lancaster Newspaper article regarding the Mountville Borough Council meeting held May 8. A report was given pertaining to fire company business. Chief Gantz clarified several items that were incorrectly reported in the newspaper article.
3. **PUBLIC WORKS:** Edward Fisher complimented the work done on the Kames Hill Road culvert and noted how nice it now looks.

E. RESIDENTS

1. Pam Manelius, 701 Westover Drive, was present on behalf of residents of the Westover Drive and Oxford Road neighborhood who are concerned for the risks they must take on a daily basis as they drive in and out of their development. The residents are requesting a permanent traffic signal to control the flow of traffic from Marietta Avenue and Corporate Boulevard that are frequently and increasingly two very busy roads due to new businesses and home developments in the area. She presented a petition signed and dated by 79 residents urging the Township to install a permanent traffic signal at the intersection of Marietta Avenue and Corporate Boulevard. Andrew Stern, Township Manager, discussed PennDOT's specific requirements in accordance with previously conducted research pertaining to this neighborhood's request and informed that traffic from the neighborhood alone does not warrant a light.
2. Stacey Gregory, 627 Eagle View, was present to discuss the problem of speeding on Eagle View and requested the Township start the process for whatever needs to be done. She provided an overhead view of the area and rendering of the area under discussion. Andrew Stern, Township Manager, explained requirements relating to traffic signals, signage, stop signs and speed humps/bumps. He will meet with Police Chief Mark Pugliese regarding the issues brought forward by Ms. Gregory.

V. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

**AGENDA ITEMS:**

**A. Donnerville Road Land Development – WHTPC 11-16**  
**Fee-in-Lieu of Traffic Study**  
**Location: Donnerville Road**

Andrew Stern presented a request dated August 30, 2017 from Oak Tree Development, via their attorney Mark Stanley, related to the fee-in-lieu of for their Donnerville Road Land Development Plan. On November 1, 2016, this plan was approved with several waivers and conditions. One waiver was:

Section 403.A. Traffic Impact Study based upon the alternative and justification provided subject to the applicant providing a fee-in-lieu of the required traffic impact study in an amount satisfactory to the Township.

The developer is offering a fee-in-lieu of in the amount of \$7,900. Section 403.B of the SALDO requires a fee-in-lieu of in the amount of \$1.50 per square foot, thus the fee-in-lieu of would equate to \$53,707.50 for this project. Mr. Stanley has argued that the Planning Commission recommended approval of the \$7,900, although the amount was not discussed with the Board of Supervisors and a modification of the fee was not formally requested. Mr. Stern was not willing to offer such a reduced fee without approval of the Board.

Attorney James Welch, McNees Wallace & Nurick, was present at tonight's meeting to represent Oak Tree Development and to address questions or concerns regarding the request. Edward Fisher agreed that a traffic study would not provide anything more than what the Board has now and that he is OK with the \$7,900 fee-in-lieu of as proposed. Kent Gardner expressed concern with setting a precedent, and did not feel comfortable with making a decision at this time. Frank Burkhart questioned the direction truck traffic would be coming from. Chairman Dumeyer commented he is not happy with the situation and all Board members agreed they are not happy with another "rushed" change. Following discussion and there being no further comments (Board or Public), the following action was taken:

- **Motion:** Motion was made by Edward Fisher and seconded by Frank Burkhart to *accept* payment of \$7,900 from Oak Tree Development Group LLC as fee-in-lieu of undertaking and completing a traffic study for the Donnerville Road Project. The motion passed (5-0).

**B. 522 Norwood Road - WHTPC 14-11**  
**Request for Release of Financial Security**  
**Location: 522 Norwood Road**

The applicant is requesting a full release of their financial security for \$16,041.52. The Township Engineer recommends the full release for \$16,041.52. Andrew Stern pointed out there is a neighbor dispute involving this project. He, Jodi Heffner and Melissa Kelly, Rettew Associates, met with the parties and agree that the work that was done had to be done. The remaining issue pertains to maintenance. . . money is not the issue.

**Action Required:**

- **Motion:** Motion was made by Edward Fisher and seconded by Frank Burkhart to *approve* the request to release Financial Security for \$16,041.52 with the condition that they meet all conditions of the Township Engineer and Township Staff. The motion passed (5-0).

**C. 4190 Nolt Road - WHTPC 1-16**  
**Request for Release of Financial Security**  
**Location: 4190 Nolt Road**

The applicant is requesting a full release of their financial security for \$19,921.00. The Township Engineer is recommending the financial security be reduced by \$17,928.90 which will leave an outstanding balance of \$1,992.10 to cover the costs of the remaining work to be completed.

**Action Required:**

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *deny* the request to release Financial Security for \$19,921.00 and *approve* the reduction of the financial security by \$17,928.90 leaving an outstanding balance of \$1,992.10 to cover the cost of the remaining work to be completed. The motion passed (5-0).

**D. Bardon Development LP-WHTPC 06-17 (90 Days 9-13-17)**  
**Proposed Warehouse Expansion**  
**Final Land Development Plan**  
**Location: 200 Lincoln Avenue**  
**Zone: I-2**  
**Acreage: 18.8**

The applicant submitted a Final Land Development Plan for a warehouse expansion for Cooper Booth. The existing warehouse is approximately 99,000 square feet and the expansion proposed will be 82,441 square feet. There will be an addition of 11 truck docks and an increase in the number of outbound trucks. A net increase of 16 parking spaces providing a total of 208 parking spaces is proposed. There is no change to the existing access onto Lincoln West Drive and the added traffic will be at off-peak hours so it will not have an adverse impact on the Township's road network. The warehouse expansion is expected to be completed in 2018.

On August 17, 2017 the Bardon Development LP Final Land Development (Proposed Warehouse Expansion) was presented to the Planning Commission as an agenda item. The Planning Commission recommends approval of the waiver modifications and plan.

Brian Cooley, DC Gohn Associates, Inc., and Greg Reichart, representing Cooper Booth were present at tonight's Board of Supervisors meeting to participate in discussion. Andrew Stern, Township Manager, addressed Section 403.5 of the SALDO regarding traffic impact fees and that there has recently been some confusion with another developer, i.e., if a developer goes in front of the Board and/or the Planning Commission and agrees to waive a traffic impact study fee and then does not ask the Board for anything beyond that, the developer will owe the

Township as per the Ordinance. If the Board waives a traffic impact study there is a formula used in Section 403.b of the SALDO which sets said fee at \$1.50/sq. ft. Mr. Cooley will take this issue back to the Applicant for review and will return to the next Board of Supervisors meeting with a decision. The Board agreed to take action on all modifications as requested and to conditionally approve the request for waiver of section 403 as discussed. There being no further discussion or comments (Board or Public), the following actions were taken:

**Action Required:**

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the waiver of section 305 – Preliminary Plan Application 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).
- **Motion:** Motion was made by Edward Fisher and seconded by Frank Burkhardt to ***approve*** the waiver of section 403 – Traffic Impact Study based on the information provided in lieu of a Traffic Impact Study with the condition that the fee-in-lieu of be determined at the October Board of Supervisors meeting. The motion passed (5-0).
- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the waiver of section 612 – Emergency Access Requirements based upon the justification provided subject to the review by the emergency service providers and addressing any comments to the satisfaction of the Township. The motion passed (5-0).
- **Motion:** Motion was made by Edward Fisher and seconded by Frank Burkhardt to ***approve*** the waiver of section 122-47.1 – Basin Dewatering Time based upon the justification provided. The motion passed (5-0).
- **Motion:** Motion was made by Edward Fisher, seconded by Kent Gardner and passed by the Board (5-0) to ***approve*** the waiver of section 122-48 – Volume Control subject to the following conditions as stated:
  1. Issuance of the NPDES Permit shall constitute satisfaction of consultation with PADEP (§122-27.7.F.2)
  2. Per Section 122-27.7.F, the applicant needs to propose alternate means (water quality or pre-treatment BMPs) of the meeting the Volume Control requirements of the Storm Water Management Ordinance. Extended detention and amended soil in the basin have been proposed to offset the lack of infiltration (§122-47.3.c.1, 122-48.3).



3. As the Township approves this condition, the approval is based on a performance standard stated by Mr. Cooley on how the Plan is expected to operate and if those preferred standards of operation are not met, the applicant will have to come back to the Board of Supervisors with a different method of operation for the basin to meet the requirements for this waiver of volume control. The Board concurred.
- 
- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the waiver of section 122-47.3.a.2 – Basin Interior Side Slopes based upon the justification and alternative provided. The motion passed (5-0).
  
  - **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the Bardon Development LP – Proposed Warehouse Expansion Final 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).

**E. 3212 Grande Oak Place – WHTPC 08-17**  
**Waiver of a Major Storm Water Management Plan**  
**Location: 3212 Grande Oak Place**  
**Zone: R-1**  
**Acreage: .77**

The applicant is proposing to construct a house and associated driveway which is proposed to be 5,061 square feet of impervious. The Grande Oak Subdivision Plan which was prepared in 1984 accounted for 4,138 square feet of impervious. The proposed impervious therefore exceeds the previously accounted impervious by 923 square feet. The applicant is stating that since this lot was previously approved for storm water that they are requesting a waiver for a Major Storm Water Plan and are asking to be able to submit this plan as a Minor Storm Water Plan.

On August 17, 2017, 3212 Grande Oak Place Waiver of a Major Storm Water Management Plan was presented to the Planning Commission as an agenda item. The Planning Commission recommends approval of the waiver modifications and plan.

Steve Gergely, Harbor Engineering, was present at tonight's Board of Supervisors meeting. He presented the request for Waiver of a Major Storm Water Management Plan and explained the waiver modifications and plan.

**Action Required:**

- **Motion**: Motion was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the waiver of section 122-36 – Major Land Disturbance based upon the justification and alternative provided. The motion passed (5-0).
- **Motion**: Motion was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the waiver of section 122-35 – Minor Land Disturbance based upon the justification and alternative provided. The motion passed (5-0).
- **Motion**: Motion was made by Edward Fisher and seconded by Kent Gardner to ***approve*** the Waiver of Storm Water Management Plan for 3212 Grande Oak Place with the condition that the applicant satisfies all outstanding comments and requirements to the satisfaction of the Township Engineer and Township Staff, pays all outstanding invoices, and makes any corrective changes should seepage leach onto the roadway. The motion passed (5-0).

## VI. NEW MUNICIPAL COMPLEX.

### A. UPDATE.

Andrew Stern discussed highlights of his new building update memorandum dated August 30, 2017 and noted we remain ahead of schedule and under budget. Completion date is scheduled for May 7, 2018. To date we have received nearly \$300,000 in credits from the contractors.

### B. SANITARY SEWER

Andrew Stern reported the sanitary sewer issue has not yet been resolved. At the August meeting, the Board approved a change order not to exceed \$50,000. After that meeting, we met with the contractors and new problems were brought to light. We cannot be guaranteed that a gravity sewer line headed west to Ivy will actually work. We have concerns about worker safety during the installation of the line, concerns about traffic control during construction, concerns about how perfect the slope of the pipe needs to be, and concerns about the condition of the manhole at Ivy Drive where the line needs to connect.

The possibility of boring the line to Ivy Drive was explored, but the contractor wants the Township to assume liability for any unforeseen problems, which Mr. Stern cannot recommend.

We also explored returning to a pumped system. Pumping east to Ivy is no longer a good option due to water and gas line locations and the condition of the manhole at Ivy Drive.

The option which appears to be the best at this time is to install a 2" PVC sewer line, with redundant grinder pumps, and pump to the east with a connection at the manhole near the front of our current building. The cost should be below the \$50,000 change

order already approved. This option has the least risk of cost overruns and the highest potential of actually working. While we would have pumps to maintain and eventually replace, this appears to be our best option.

- **Mr. Stern asked for the Board's approval to proceed with a pumped system, in lieu of the previously approved gravity system. The Board unanimously concurred.**

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

A. SKI SHOP SPECIAL EVENT & SIGNS

Andrew Stern read a letter request from G. Grant Shultz dated August 15, 2017 for approval of a 10<sup>th</sup> Annual Ski & Snowboard Swap to be held in conjunction with The Lancaster Ski Club October 21 and 24, 2017 in the parking lot in front of his business, Ski Tunes Ski & Board Shop, which is located in his home at 2531 Ironville Pike, Columbia. A portion of the proceeds will be donated to local charity which has not yet been determined. Mr. Shultz itemized planning and responsibility information pertaining to the event in his letter and requested waiver of the sign permit fee for the banner and signs as has been done for the past nine years in order to keep cost to a minimum and as a result donate more money to a needed charity.

- **Action:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *approve* the request to hold a 10<sup>th</sup> Annual Ski & Snowboard Swap to be held in conjunction with The Lancaster Ski Club October 21 and 24, 2017 in the parking lot in front of G. Grant Shultz business, Ski Tunes Ski & Board Shop, 2531 Ironville Pike, Columbia and to *waive* the temporary sign permit fee. The motion passed (5-0).

B. WILLIAMS – OPEN ROAD CUTS BETWEEN NOVEMBER 15 AND MARCH 15.

Andrew Stern referred to his memorandum dated August 30, 2017 pertaining to the Williams Pipeline request for road cut permits for areas where their proposed pipeline will cross our roadways and the ability to work during the November – March prohibited time period.

- **Action:** Motion was made by Frank Burkhart and seconded by Edward Fisher to *approve* the open road cuts between November 15 and March 15 as requested based on justification given. The motion passed (5-0).

IX. ORDINANCES AND RESOLUTIONS.

A. RESOLUTION #16-17: WELLS FARGO TRUSTEE DESIGNATION

- **Action:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *adopt* Resolution No. 16-17, a Resolution of the Township of West Hempfield

Township, Lancaster County, Pennsylvania, removing Ron Youtz from all Township accounts with Wells Fargo Advisors and designating Andrew Stern as Trustee for all accounts with Wells Fargo Advisors. The motion passed (5-0).

B. RESOLUTION #17-17: INSURANCE FOR FIRE COMPANY VEHICLES

- **Action:** Motion was made by Kent Gardner and seconded by Frank Burkhart to **adopt** Resolution No. 17-17, a Resolution of the Township of West Hempfield Township, Lancaster County, Pennsylvania, certifying insurance coverage for vehicles owned by West Hempfield Fire and Rescue. The motion passed (5-0).

X. APPROVAL OF PAYABLES.

| FUND                 | AMOUNT                 | CHECK #'S     |
|----------------------|------------------------|---------------|
| Payroll and Taxes    | \$ 191,201.41          | EFT           |
| General Fund         | \$ 386,277.22          | 29284 - 29396 |
| Fulton Bank          | \$ 673,181.56          | 119 - 127     |
| Sewer Fund           | \$ 752.50              | 3754          |
| Refuse Fund          | \$ 70,085.33           | 2517 - 2522   |
| Street Light Account | \$ 4,334.14            | 420           |
| Escrow Account       | \$ 8,175.12            | 190 - 192     |
| State Fund           | \$ 312,999.54          | 3159 - 3165   |
| <b>Total</b>         | <b>\$ 1,647,006.82</b> |               |

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

XI. ADJOURNMENT.

Chairman Dumeyer asked for a motion to adjourn the regular Board of Supervisors meeting at 9:27 p.m. into Executive Session to discuss personnel issues.

- **Motion:** Kent Gardner moved, seconded by Frank Burkhart to **adjourn** the regular Board of Supervisors meeting at 9:27 p.m. and convene into Executive Session to discuss personnel issues. Motion carried unanimously (5-0).



Respectfully submitted,

Andrew Stern,  
Township Manager