

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING  
Minutes of March 5, 2019

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

Chairman Dumeyer reported that Executive Session was held prior to the meeting to discuss Conditional Use #79 and a personnel matter.

III. DECISION: CONDITIONAL USE #79: 620 SYCAMORE DRIVE, OPEN SPACE DESIGN OPTION.

Chairman Dumeyer read the Decision to Grant Conditional Use #79: 620 Sycamore Drive, Open Space Design Option, stating findings of fact and adjudication to conditions developed by the Board of Supervisors based upon the Public Hearing held January 7, 2019.

➤ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *adopt* the Decision to Grant Conditional Use #79: 620 Sycamore Drive, Open Space Design Option as read. The motion passed (5-0).

IV. PUBLIC HEARING: ZONING ORDINANCE TEXT AMENDMENT: OFF-STREET PARKING, USES NOT PROVIDED FOR, RECREATION FACILITIES, AND ACCESSORY USES.

Chairman Dumeyer opened the public hearing at 7:52 p.m. Andrew Stern affirmed the Public Hearing has been duly advertised and copy of the Ordinance has been made available for review by the public and the Board.

Mr. Stern reviewed Ordinance No. 2-19, an ordinance to amend the code of ordinances of the Township of West Hempfield, Chapter 145, Zoning, to revise regulations governing off-street parking, uses not provided for recreation facilities, and accessory uses and provided copies of Lancaster County Planning Commission memorandum dated February 26, 2019 and Pennsylvania General Assembly Bill 87 for informational and discussion purposes.

The Hearing was then opened for comments, questions, concerns or statements. Donna Bushong, 32 Meadow Road, Columbia asked for a description of a Video Gaming Terminal and an explanation of the process being discussed. Mr. Stern explained to her satisfaction. There being no further discussion (Board or Public) Chairman Dumeyer adjourned the Public Hearing at 8:02 p.m. with decision to be made later in the meeting under agenda item J.

V. APPROVAL OF MINUTES.

- a. January 30, 2019 Public Hearing.
- b. February 5, 2019 meeting.
  - **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *approve* the Board's January 30, 2019 public hearing and February 5, 2019 regular meeting minutes as presented. Motion carried (5-0).

VI. COMMUNICATIONS.

A. BOARD OF SUPERVISORS

1. Edward Fisher commended Public Works for the fine job the road crew has been doing.

B. TOWNSHIP MANAGER.

Andrew Stern distributed the 2<sup>nd</sup> Class Township Code books to the Board after which he reviewed highlights of the following Managers Report:

**INTERNAL MATTERS**

1. **Trash Contract:** Our trash contract with Republic ends December 31 of this year. The contract allows for extensions when mutually agreed to. While I am doubtful Republic would agree to an extension due to rising recycling costs, I would like to put them on notice of our interest. *The Board agreed.*
2. **Act 537 Sewage Facilities Planning.** I will be meeting with LASA and other municipal managers on March 13 to begin the planning process for the update of our 537 Plan.
3. **Druid Hill Road.** As you are aware, the pavement of Druid Hill Road in the summer of 2018 was not done to our satisfaction. As a result, we held about \$100,000 back from the contractor (\$26,727 for retainage and \$74,427 for unused asphalt). The contractor has offered to come back in the Spring to repair the road. Dale and I would like the Board to offer your opinion on whether to spend \$100,000 on the repair or accept as is and save the funds for other projects.
4. **Newsletter.** We have delayed our spring newsletter slightly as a lot is happening right now that we would like to finalize and report on – i.e. the Chief's retirement, a new Chief, a possible upgrade of streetlights to LED, our Hempfield Rec partnership for parks, etc...
5. **Electric Rates:** I have just renegotiated our electric rates for all Township accounts (buildings, streetlights, traffic lights, etc.) with the new rate starting in November being \$0.06456/kWh, locked for 30 months. We are currently a bit

higher, thus we should expect a savings of nearly \$7,000 over the 30 month agreement.

6. **MS4 PRP:** We have received our MS4 PRP comments from DEP – see attached. We will be meeting with Rettew March 5 to resolve the housekeeping items. I have also sent a copy to our attorney Martin Siegel to ensure our appeal rights are preserved for the non-housekeeping issues.

#### NEW MUNICIPAL BUILDING

1. On February 22, 2019, Chief Pugliese and I met with the architect and contractor. We finalized the amount of credit (money back to us!) for the remaining change orders and have agreed on the amount of retainage to hold for exterior corrections which will need to be done in the spring. *Mr. Stern advised the Change Order was signed today (3/5/19) and \$20,000 has been retained.*

#### EXTERNAL MATTERS

1. **St. Mary's Church.** A follow-up safety meeting was held February 7 with Township staff and Church representatives. Staff is working with our engineer to determine our next steps for a plan to work with the church and PennDot.

#### PERSONNEL

1. **Public Works.** We are currently interviewing candidates for an entry level public works position recently vacated by Joe Ney.
2. **Police.** On February 27, 2019, interviews were held for the five remaining candidates for the position of Police Chief. The interviews were run by the PA Chiefs of Police Association. I will update the Board during executive session.
3. **Ethics Forms.** I have received ethics forms from all Board members – thank you!

#### OUTSIDE BOARDS AND COMMITTEES

1. **LIMC.** The next LIMC meeting will be April 10, 2019.
2. **CLC-COG.** The next CLC-COG meeting will be March 27, 2019 at East Lampeter Township.

#### CORRESPONDENCE

1. **District Attorney's Office:** We have received a Fourth Quarter and Year End 2018 report for the Lancaster County Drug Task Force.
2. **Exelon Generation.** We have received an Annual Downstream Water Notification from Exelon identifying the various hazardous materials stored at Three Mile Island, upstream from us.
3. **Springettsbury Township.** We have received an Annual Downstream Water Notification from Springettsbury Township identifying the various hazardous materials stored at their Wastewater Treatment Facility, upstream from us.

4. **Williams.** We have received notification from Williams of their intent to submit a Plan Approval Application to PADEP for the proposed transfer of emission reduction credits (ERC's) to satisfy requirements on the construction of their pipeline.

C. TREASURER'S REPORT.

General Fund	\$ 3,115,624.97
Sewer Fund	\$ 273,961.60
Refuse Fund	\$ 458,884.71
Street Light Fund	\$ 6,407.55
Fire Hydrant Fund	\$ 73,976.53
TDR Fund	\$ 598,644.26
State Liquid Fund	\$ 673,304.81
Police Pension Fund	\$ 6,982,490.53
Non-Uniform Pension Fund	\$ 2,350,247.20
Recreation	\$ 41,012.68
Highway	\$ 961,220.00
Post Retirement	\$ 27,056.55
Health Care (HRA)	\$ 37,537.41
MS4 Stormwater Fund	\$ 100,000.00
Total All Funds	\$ 15,700,368.80

Mr. Stern stated there will be a consolidation of some accounts and there will be a series of documents to be signed at the next Board of Supervisors meeting.

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

Written reports were received from all departments. Chief of Police Mark Pugliese submitted additional information for his monthly report and reviewed highlights. Zoning Officer Dwayne Steager noted that a MS educational forum is scheduled for June 3, 2019 and he will provide the agenda when it becomes available. Andrew Stern noted the West Hempfield Fire Department has acquired two new vehicles.

E. RESIDENTS - None

VII. SUBDIVISIONS, land developments, and planning modules.

**BRIEFING ITEMS:**

**None**

**AGENDA ITEMS:**

**A. WHTPC 15-07R: Saint Anne's Retirement Community**

**Financial Security – Escrow Reduction No. 2**

**Reduction of Financial Security by \$175,252.09 from \$853,640.46 to \$678,388.37.**

The applicant is requesting a reduction of their financial security. Records indicate that the financial security status for this project is as follows:

Original Amount	\$ 1,361,135.38
Previous Reductions	\$ 507,494.92
Outstanding Balance	\$ 853,640.46 (prior to this requested reduction)

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 on January 28, 2019, the Township Engineer has the following comments:

1. The traffic signage needs to be installed.
2. The remaining lighting and landscaping needs to be installed.
3. The wearing course needs to be installed.
4. The concrete / asphalt sidewalks need to be installed.
5. Upon completion of construction, the site needs to be seeded and stabilized.
6. The stormwater basins need to be converted to permanent conditions.
7. Documentation of testing results for clay cores, etc., need to be provided to the Township and RETTEW.
8. Infiltration testing needs to be completed adjacent to the retaining wall in Basin C2-A to verify that the areas along the wall still have infiltration capacity after being compacted with a roller during construction.
9. The grouting at all stormwater structures needs to be verified at the time of as-built plan review. There are a number of structures that still need to be grouted.
10. 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.

Based on a site visit and a review of the documentation, the Township Engineer recommends that the financial security for this development be reduced by \$175,252.09, which will leave a new outstanding financial security balance of \$678,388.37. This amount is adequate to cover the costs of the remaining work listed above.

The Municipalities Planning Code (MPC), Section 509 (j) states that the Township may require the retention of 10% of the original amount (\$1,361,135.38) 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 \$136,113.54.

The Township Engineer recommends 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:** Moved by Edward Fisher and seconded by Robert Munro to *approve* the partial release of the Financial Security Escrow in the amount of \$175,252.09 leaving a new balance of \$678,388.37. The motion passed (5-0).

- B. Saint Francis Animal Hospital WHTPC 07-18**  
**Storm Water Management Agreement and Declaration of Easement**  
**Location: 308 Primrose Lane**  
**Zone: C-1**  
**Size: 1 acre/43,560 ft.<sup>2</sup>**

**Action Required:**

- **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *approve* signing The Storm Water Management Agreement for Saint Francis Animal Hospital. The motion passed (5-0).

- C. Saint Mary's Coptic Church WHTPC 10-18**  
**Storm Water Management Agreement and Declaration of Easement**  
**Location: 770 Summit Drive**  
**Zone: TV**  
**Size: 4.76 acres/207,346 ft.<sup>2</sup>**

**Action Required:**

- **Motion:** Moved by Robert Munro and seconded by Kent Gardner to *approve* signing The Storm Water Management Agreement with Saint Mary's Coptic Church. The motion passed (4-0-1) with Edward Fisher abstaining.

**VIII. UNFINISHED BUSINESS.**

- A. Vehicle Charging Stations -** Andrew Stern conducted a telephone/audio/visual conference between Lindsay Hertzog, Sales Director, Mid-Atlantic at ChargePoint Services, and the Board of Supervisors to become more informed about the services her firm would provide and cost for same. Following a question/answer session Ms. Hertzog was asked to provide additional information to be reviewed and discussed by the Board at a future Board of Supervisors meeting.

IX. NEW BUSINESS.

- A. Schedule Road Tour – April 2019. The Spring Road Tour has been scheduled for Monday, April 29, 2018.
- B. Award 2019 Paving Contracts – Andrew Stern reviewed the bids. After discussion, the following actions were taken:
- **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *award* the materials contract to Highway Materials, Inc., for \$58,070.00. The motion passed (5-0).
  - **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *reject* all paving and seal coating bids received and start over with the bidding process. The motion passed (5-0).

X. ORDINANCES, RESOLUTIONS, AND AGREEMENTS.

- A. Resolution 4-19: Route 30 & Prospect Road Traffic Signal Permit Amendment. Mr. Stern explained a revision was necessary to reflect the correct signature requirement for consistency purposes.
- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *adopt* Resolution 4-19: Route 30 & Prospect Road Traffic Signal Permit Amendment authorizing the Township Manager to submit the Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign the Application on behalf of West Hempfield Township. The motion passed (5-0).
- B. Ordinance 02-19: Off-street parking, uses not provided for, recreation facilities, and accessory uses.
- **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *adopt* Ordinance 02-19, an ordinance to amend the code of ordinances of the Township of West Hempfield, Chapter 145, Zoning, to revise regulations governing off-street parking, uses not provided for recreation facilities, and accessory uses. The motion passed (5-0).
- C. Hempfield RecCenter Parks Agreement – Updated Version. Andrew Stern reviewed his memorandum and attached spreadsheet dated February 28, 2019 that reflect minor changes made to the agreement as a result of legal and insurance reviews resulting in a savings of approximately \$10,000 over the previous version. After discussion, the following action was taken:
- **Motion:** Moved by Kent Gardner and seconded by Edward Fisher to *approve* the West Hempfield Township Hempfield Area Recreation Commission Parks Management and Maintenance Agreement. The motion passed (5-0).
- D. Proclamation: Pennsylvania 811 Safe Digging Month (April 2019). Andrew Stern explained the Proclamation.

- **Motion:** Moved by Kent Gardner and seconded by Edward Fisher to *adopt* the Proclamation proclaiming April 2019 as “Pennsylvania 811 Safe Digging Month” in West Hempfield Township. The motion passed (5-0).

XI. APPROVAL OF PAYABLES.

FUND	AMOUNT	CHECK #'S
Payroll and Taxes	\$ 192,256.05	EFT
General Fund	\$ 219,818.63	3126 - 31403
Fulton Bank	\$ -	
Sewer Fund	\$ -	
Refuse Fund	\$ 111,568.77	2678 - 2686
Street Light	\$ -	
Fire Hydrant	\$ -	
WHT Escrow	\$ 12,103.95	236 - 238
State Fund	\$ 34,859.81	3286 - 3297
<b>Total</b>	<b>\$ 570,607.21</b>	

- **Motion:** Kent Gardner moved, seconded by Robert Munro, to *approve* payment of all bills between February 1 – February 28, 2019 and any residuals. Motion carried (5-0).

XII. GOOD OF THE ORDER

UPCOMING MEETINGS: April 2, 2019 Regular Board of Supervisors Meeting.

XIII. ADJOURNMENT

Chairman Dumeyer asked for a motion to adjourn the regular meeting at 9:04 p.m.

- ❖ **Motion:** Robert Munro moved, seconded by Naomi Martin, to *adjourn* the regular Board of Supervisors meeting. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,  
 Township Manager

