

**WEST HEMPFIELD TOWNSHIP SUPERVISORS
REORGANIZATIONAL AND REGULAR BOARD MEETING
Minutes of January 7, 2019**

The reorganizational meeting and regular monthly Board of Supervisors meeting was held at the Township Municipal Building, 3476 Marietta Avenue, Lancaster, Pennsylvania on Monday, January 7, 2019. David Dumeyer, along with Board members, Edward Fisher, Kent Gardner, Naomi Martin and Robert E. Munro were present. Also in attendance were: Township Manager Andrew Stern; Public Works Director Dale Getz; Chief of Police Mark Pugliese I; Public Works Director Dale Getz; Zoning Officer Dwayne Steager; Josele Cleary, Township Solicitor; Rhonda Adams, Court Reporter and Judy Carrier, Recording Secretary. Brenda Baumbach, Finance/Personnel Director was not present for the meeting.

Reorganizational Meeting

CALL TO ORDER.

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

A. Nomination and Election of Officers

David Dumeyer entertained nominations for Temporary Chairman.

Motion: Kent Gardner moved, seconded by Edward Fisher, to *elect* Robert Munro as Temporary Chairman. Motion carried (5-0).

David Dumeyer turned the meeting over to Robert Munro who entertained nominations for the office of Chairman and Vice-Chairman.

Kent Gardner *nominated* David Dumeyer as Chairman and Edward Fisher as Vice-Chairman and moved that the nominations be closed.

Motion: Kent Gardner moved, seconded by Naomi Martin to *elect* David Dumeyer as Chairman and Edward Fisher as Vice-Chairman. Motion carried (5-0).

B. Appointment of Secretary/Treasurer and Assistant Secretary/Treasurer

Motion: Edward Fisher moved, seconded by Robert Munro to *appoint* Andrew Stern as Secretary/Treasurer and to *appoint* Brenda Baumbach as Assistant Secretary/Treasurer. Motion carried (5-0).

C. Appointment of Township Solicitor

Motion: Kent Gardner moved, seconded by Edward Fisher, to *appoint* Josele Cleary of Morgan, Hallgren, Crosswell & Kane as Township Solicitor. Motion carried (5-0).

D. Appointment of Special Counsel for Labor Matters

Motion: Edward Fisher moved, seconded by Robert Munro, to *appoint* Theresa Mongiovi of Brubaker, Connaughton, Goss & Lucarelli, LLC, as Special Counsel. Motion carried (5-0).

E. Appointment of Township Engineer and Assistant Township Engineer

Motion: Kent Gardner moved, seconded by Robert Munro to *appoint* Rettew Associates as Township Engineer and David Miller/Associates, Assistant Township Engineer. Motion carried (5-0).

F. Appointment of Sewage Enforcement Officer and Alternate

Motion: Edward Fisher moved, seconded by Kent Gardner, to *appoint* Marvin Stoner as SEO and David Lockhart as Alternate SEO. Motion carried (5-0).

G. Appointment of Auditor for 2018 Financial Statements

Motion: Kent Gardner moved, seconded by Robert Munro to *appoint* Bertz & Hess Certified Public Accountants to audit the Township's 2018 financial statements. Motion carried (5-0).

H. Appointment to Zoning Hearing Board

Motion: Robert Munro moved, seconded by Kent Gardner, to *adopt* Resolution 1-19 *appointing* Carl Manelius to the Zoning Hearing Board for a term of three years to expire December 31, 2021. Motion carried (5-0).

I. Appointment of Zoning Hearing Board Solicitor and Alternate Solicitor

Motion: Edward Fisher moved, seconded by Robert Munro, to *appoint* Matthew Crème, Nikolaus & Hohenadel, as Zoning Hearing Board Solicitor and Julie Miller, Russell Kraft & Gruber, Alternate Zoning Hearing Board Solicitor. Motion carried (5-0).

J. Appointment of Members to the Planning Commission

Motion: Edward Fisher moved, seconded by Robert Munro to *appoint* Amanda Hood, term to expire December 31, 2022 and Joel Wamsley, term to expire December 31, 2022. Motion carried (5-0).

K. Appointment of Voting Delegate for the PSATS State convention.

Motion: Kent Gardner moved, seconded by Robert Munro to *appoint* Edward Fisher as voting delegate to the PSATS State Convention. Motion carried (5-0).

L. Appointment of Hempfield RecCenter Board Member.

Motion: Kent Gardner moved, seconded by Robert Munro to *appoint* Edward Fisher as Hempfield RecCenter Board Member (second term). Motion carried (5-0).

M. Designation of Depository for Township Funds

Motion: Edward Fisher moved, seconded by Kent Gardner, to *designate* Union National Community Bank (aka Northwest Bank), Fulton Bank, PLGIT, Wells Fargo, and BB&T as the depositories for Township funds. Motion carried (5-0).

N. Setting Bond Amount for Treasurer and Assistant Treasurer

Motion: Robert Munro moved, seconded by Kent Gardner to *set* bond amount for 2019 at \$1,500,000 for both the Treasurer and Assistant Treasurer. Motion carried (5-0).

O. Adjournment of Reorganizational Meeting

Chairman David Dumeyer called for a motion to close the reorganizational meeting to the regular meeting at 7:42 p.m.

Motion: Moved by Kent Gardner and seconded by Robert Munro to *close* the reorganizational meeting to the regular meeting at 7:42 p.m. Motion carried (5-0).

CALL TO ORDER

Chairman David Dumeyer called the Regular Monthly Board of Supervisors Meeting to order at 7:42 p.m.

I. SPECIAL RECOGNITIONS

A. Ryan Draper, Promotion from Corporal to Sergeant. Chairman Dumeyer recognized Corporal Ryan Draper for his past performance and demonstrated leadership ability during his 17 years of service to the citizens of West Hempfield Township as well as promoting him to the rank of Sergeant within the police department where he will continue duties as a patrol supervisor. He was presented with a badge and certificate after which he introduced family members to the board and audience.

B. Molly Sheckard, Retirement from Full Time Employment, Resolution 2-19. Chairman Dumeyer acknowledged the exemplary work and dedicated service of Molly Sheckard for her employment with the Police Department which spans a 20 year period of significant growth and development within the Township Police Department and its staff and read a resolution honoring her service on the occasion of her retirement. Molly is departing her fulltime position with the police department; however, she is returning to employment with the police department on a part-time basis. Molly was presented with a copy of the resolution, flowers and a gift.

A brief recess was taken allow both recipients time for photographs and congratulatory wishes from family and friends.

II. PUBLIC HEARING

A. Conditional Use #79: 620 Sycamore Drive, Open Space Design Option.

Chairman Dumeyer explained the purpose, rules and regulations of the Hearing process and advised that after all evidence has been received and recorded, the Board will close the record. State law requires a court stenographer be present to record testimony and the stenographic transcript will be the official record of the Hearing. 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 persons seeking to be recognized as a party with standing were asked to provide their name, address, proximity to the applicant's property, reason for wishing to be a party with standing. The applicant and township staff are automatically parties to the Hearing. All other persons wishing to ask questions or make comments will be given the opportunity to do so after all evidence has been presented. Dwayne Steager, West Hempfield Township Zoning Officer was sworn in and confirmed properly posted advertising and recording of all exhibits.

Mark Stanley, Partner, McKnees Wallace & Nurick, LLC described the project and explained the conditional use application being requested at tonight's public hearing. He then introduced Kathy Conley, Client Manager, RGS Associates; Gabe Clark, Catalyst Commercial Development and Jarred Neal, PE, Project Manager, Traffic Planning & Design who were sworn in to provide testimony on behalf of the applicant.

At the completion of Ms. Conley's testimony, a brief recess was taken during which suggestion was made, due to the lateness of the hour, to continue the Hearing to permit additional requests for party standing to be considered and to provide time for additional testimony. The Board concurred and the applicant consented. The hearing resumed with testimony from Mr. Gabe Clark after which Chairman Dumeyer entertained a motion to close tonight's testimony and continue Conditional Use #79: 620 Sycamore Drive, Open Space Design Option public hearing. Motion was made by Kent Gardner and seconded by Robert Munro to *close* tonight's testimony and *continue* Conditional Use #79 Public Hearing, 620 Sycamore Drive, Open Space Design Option to 7:00 p.m., Wednesday, January 30, 2019. The motion passed (5-0).

The Board of Supervisors Regular Meeting was then reopened at 10:00 p.m. by Chairman Dumeyer.

III. APPROVAL OF MINUTES – December 4, 2018 Regular Meeting.

Motion: Edward Fisher moved, seconded by Kent Gardner, to *approve* the December 4 2018 Regular Board of Supervisors Meeting minutes as presented. Motion carried (5-0).

IV. COMMUNICATIONS.

A. BOARD OF SUPERVISORS.

1. LIMC meeting will be held at 8:00 a.m. January 9, 2019 at Lancaster Township.

B. TOWNSHIP MANAGER.

INTERNAL MATTERS

1. **Traffic Signal Repair.** On December 11, 2018, we had Signal Services conduct and emergency repair on the traffic signal at Stony Battery Road and the eastbound Route 30 exit ramp. A week or so prior an unidentified truck apparently hit the pole causing the base to be partially severed and leaning. We have filed an insurance claim which will hopefully cover a majority of the repair. This light is at the intersection of two state roads, but we are responsible for it and are limited in our ability to protect the pole from such incidents.
2. **PSATS Convention.** The PSATS Convention will be April 14-17, 2019. Please let me know if you are attending and would like us to register you.
3. **MS4/PRP.** We still have not received our PRP approval from DEP. However, the several Townships which finally received unconditional PRP approvals in October 2018 have since received letters adding conditions back into their approval!
4. **NRCS Program.** The Chiques Creek Managers continue to work with NRCS to prepare an application for funding for the watershed. At this time it appears LCCD may need to be the sponsor/applicant. We have another meeting at the end of January to further discuss.
5. **Hempfield RecCenter.** Hempfield Rec has sent us a DRAFT agreement relating to our parks for our consideration. **I am seeking the Board's direction on how to proceed with this DRAFT. The Board concurred with having Mr. Stern work with the Township Solicitor on the parks management and maintenance agreement.**

NEW MUNICIPAL BUILDING

- 1) Nothing new to report. We continue to hold nearly \$300,000 in retainage for the general contractor.

EXTERNAL MATTERS

- 2) Nothing new to report.

PERSONNEL

1. **Molly Sheckard.** Molly has retired from full-time employment and has begun part-time employment with our police department.
2. **James Gardill.** Police Officer James Gardill has entered our DROP program effective January 31, 2019, and will be retiring on or before January 31, 2022.

OUTSIDE BOARDS AND COMMITTEES

1. **LIMC.** The LIMC meeting is Wednesday January 9th at 8:00 am at Lancaster Township.
2. **CLC-COG.** The CLC-COG meeting will be January 23, 2019 at 8:30 am at East Hempfield Township.

CORRESPONDENCE

1. **RHI Magnesita.** We have received a downstream Notification Letter for RHI Magnesita, located in West Manchester Township, York, PA. The notification advises us of several hazardous materials stored at their facility upstream of our Township.

C. TREASURER’S REPORT: DECEMBER 2018 FINANCIALS

General Fund	\$ 3,228,494.73
Sewer Fund	\$ 273,876.41
Refuse Fund	\$ 423,991.63
Street Light Fund	\$ 10,523.18
Fire Hydrant Fund	\$ 19,129.93
TDR Fund	\$ 596,465.88
State Liquid Fund	\$ 666,830.30
Police Pension Fund	\$ 7,011,121.87
Non-Uniform Pension Fund	\$ 2,351,701.83
Recreation	\$ 40,856.49
Highway	\$ 957,539.56
Post Retirement	\$ 26,958.10
Health Care (HRA)	\$ 22,842.02
Fulton Bank	
Total All Funds	\$ 15,630,331.93

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

Written reports were received and discussed.

E. RESIDENTS

- Joe Fliss, 932 Ivy Drive questioned the status of approval for the old railroad bed cleanup that was discussed at the November 8, 2018 Board of Supervisors meeting. Mr. Stern informed that it is not a township project and the residents can proceed.

II. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

BRIEFING ITEMS:

None

AGENDA ITEMS:

A. Dunkin, LLC WHTPC 13-18 (90 Day 2-19-19)

Waiver of Land Development

Location: 3929 Columbia Ave.

Zone: C-2

Lot Size: 1.2 acres/56,272 ft.²

The applicant is proposing a Dunkin conversion with additions to an Existing Stand Alone Building with Drive Thru at the location of the former Rita's Italian Ice. Jeremy Danley from Albert Taus & Associates was present on behalf of the applicant.

Action Required:

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the Waiver of Land Development Section 130-308A – Land Development Plan Processing for Dunkin LLC located at 3929 Columbia Avenue with the condition that the applicant address the 4 stated conditions in the Rettew Review Letter dated December 7, 2018 and getting Zoning Hearing Board approval for the non-conforming proposed signs. The motion passed (5-0).

B. Bardon Development LP-WHTPC 06-17

Warehouse Expansion

Final Land Development Plan

Location: 100 Lincoln West Drive

Zone: I-2

Acreage: 18.8

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

Original Amount	\$1,178,997.94
Previous Reductions	\$ 0.00
Outstanding Balance	\$1,178,997.94
(prior to this requested reduction)	

The above amounts do not include any increase that may have automatically occurred on the anniversary date of the financial security.

Based on their review of the documentation, the Township Engineer recommends that the financial security for this project be released in its entirety.

Action Required:

- **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *approve* full release of the financial security in the amount of \$1,178,997.94 for Bardon Final Land Development Plan 100 Lincoln West Drive including any automatic increase that may have occurred. The motion passed (5-0).

**C. Bardon Development LP-WHTPC 13-16
Stormwater Management Plan
Location: 100 Lincoln West Drive
Zone: I-2
Acreage: 18.8**

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

Stormwater Management Plan:	
Original Amount	\$ 80,859.03
Previous Reductions	\$ 0.00
Outstanding Balance	<u>\$ 80,859.03</u>
(prior to this requested reduction)	

The above amounts do not include any increase that may have automatically occurred on the anniversary date of the financial security.

Based on their review of the documentation, the Township Engineer recommends that the financial security for this project be released in its entirety.

Action Required:

- **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *approve* full release of the financial security in the amount of \$80,859.03 for Bardon Stormwater Management Plan 100 Lincoln West Drive including any automatic increase that may have occurred. The motion passed (5-0).

III. UNFINISHED BUSINESS – None

IV. NEW BUSINESS

- A. Hempfield RecCenter Annual Tri for Life Triathlon, April 28, 2019. Mr. Stern presented the request. Following discussion, motion was made by Kent Gardner and seconded by Edward Fisher to *approve* use of township roads and support from the police department for the Hempfield RecCenter Annual Tri for Life Triathlon on Sunday, April 28, 2019 as requested. The motion passed (5-0).
- B. Authorize bid for materials and paving. Andrew Stern reviewed the 2019 bid. Following discussion, motion was made by Robert Munro and seconded by Edward Fisher to *authorize* the bid for materials and paving for 2019 as presented. The motion passed (5-0).
- C. Discussion: Video Gaming Terminals (VGT's). Township Solicitor Josele Cleary reviewed State Regulations pertaining to Video Gaming Terminals and led discussion regarding conflicting definitions of Truck Stops between the State and local municipalities. Following discussion, motion was made by Edward Fisher and

seconded by Kent Gardner to *authorize* the Township Solicitor to begin work on an ordinance dealing with video gaming devices and advertise same. The motion passed (5-0).

V. ORDINANCES AND RESOLUTIONS

A. ORDINANCE 3-19: PAVING BID ESCALATOR - Andrew Stern reviewed Resolution 3-19 to allow an escalator clause for a price adjustment of bituminous materials for small quantities. Following discussion, motion was made by Robert Munro and seconded by Kent Gardner to *adopt* Resolution No. 3-19 as discussed. The motion passed (5-0).

VI. APPROVAL OF PAYABLES.

FUND	AMOUNT	CHECK #'S
Payroll and Taxes	\$ 199,053.88	EFT
General Fund	\$ 605,434.78	31056-31159
Fulton Bank		
Sewer Fund		
Refuse Fund	\$ 95,962.12	2659-2666
Street Light	\$ 4,495.63	436-437
Fire Hydrant		
WHT Escrow	\$ 81,154.28	231-234
State Fund	\$ 7,653.54	3277-3280
Total	\$ 993,754.23	

➤ **Motion:** Kent Gardner moved, seconded by Robert Munro to *approve* payment of all bills between December 1, 2018 and December 31, 2018 and any residuals. The motion passed (5-0).

VII. GOOD OF THE ORDER

- A. Conditional Use Hearing: 62- Sycamore Drive, Open Space Design Option
 Continued: Wednesday, January 30, 2019, 7:00 p.m. @ Township Municipal Building
- B. Regular Board of Supervisors Meeting
 Tuesday, February 5, 2019, 7:30 p.m. @ Township Municipal Building

VIII. ADJOURNMENT.

Chairman Dumeyer asked for a motion to adjourn the regular Board of Supervisors meeting at 11:00 p.m.

- **Motion:** Kent Gardner moved, seconded by Robert Munro to *adjourn* the regular Board of Supervisors meeting at 11:00 p.m. Motion carried unanimously (5-0).
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Stern".

Andrew Stern,
Township Manager