

**WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING**  
**Minutes of June 5, 2018**

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, June 5, 2018. Chairman David Dumeyer and Board members, Edward Fisher, Kent Gardner, Naomi Martin and Robert Munro 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, 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. PUBLIC HEARINGS.

Chairman Dumeyer recognized the presence of Township Solicitor Josele Cleary, Morgan, Hallgren, Crosswell & Kane, P.C. who will be conducting the Conditional Use Hearing, Case #77, St. Mary's Coptic Orthodox Church, Summit Drive. He explained the purpose, rules and procedures 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 at tonight's meeting or any subsequent meeting held within 45 days after the close of the record.

A. Conditional Use Case #77: St. Mary's Coptic Orthodox Church, Summit Drive

Chairman Dumeyer opened the Conditional Use Public Hearing to the applicants, parties testifying, and the public. 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.

The Chair recognized submission of pre-marked Township Procedural Exhibits.

Solicitor Cleary recommended that, subject to a prior conditional use application hearing held in 2004, the Board take administrative notice of the June 1, 2004 application hearing and the July 6, 2004 decision filing.

- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro that the Board take *Administrative Notice* of the prior June 1, 2004 Conditional Use Application Hearing and July 6, 2004 Decision filing. The motion passed (4-0-1) with Edward Fisher abstaining.

Upon receipt of all evidence, testimony and public comments, the following actions were taken:

- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *accept* admission of all nine (9) applicant exhibits into the record. The motion passed (4-0-1) with Edward Fisher abstaining.
- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *close* the St. Mary's Coptic Orthodox Church Conditional Use Case #77 Public Hearing at 8:25 p.m. and to *deliver* a decision at the July 3, 2018 Board of Supervisors Meeting. The motion passed (4-0-1) with Edward Fisher abstaining.

A short recess was then taken to prepare for the Marietta Avenue Zoning Map Amendment public hearing.

B. Marietta Avenue Zoning Map Amendment

Chairman Dumeyer turned the Marietta Avenue Zoning Map Amendment public hearing over to West Hempfield Township Manager Andrew Stern at 8:30 p.m.

West Hempfield Township is proposing to rezone four (4) parcels of land along Marietta Avenue. These four properties are currently zoned Rural Agriculture (R) and are proposed to be rezoned Traditional Village (TV). These properties are not currently within the Urban Growth Area (UGA); however, they have been recommended to be included by the West Hempfield Township Planning Commission and the West Hempfield Township Board of Supervisors. They will be included with the Township's mapping within the Township's upcoming new Comprehensive Plan.

This request was reviewed and recommended for approval by the West Hempfield Township Planning Commission on April 19, 2018.

This request was reviewed and recommended for approval by the Lancaster County Planning Commission on May 29, 2018, conditioned on the parcels being added to the Urban Growth Area.

The following exhibits were provided and discussed:

1. A map depicting the parcels proposed for rezoning and a listing of respective owner information;
2. Correspondence dated May 4, 2018 from Attorney Josele Cleary, Morgan, Hallgren, Crosswell & Kane, West Hempfield Township Solicitor, relating to summary legal advertisement, letter to LNP Media Group, Inc., requesting that the advertisement be published in accordance with the requirements of the Pennsylvania Municipalities Planning Code and the proposed Ordinance.

3. Memorandum from the Lancaster County Planning Commission dated May 21, 2018.

Following discussion and there being no further comments from property owners present at the meeting and no further comments or questions (Board or Public), Chairman David Dumeyer entertained a motion to close the public hearing for adoption of the Marietta Avenue Zoning Map Amendment at 9:00 p.m.

- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *close* the public hearing for adoption of the Marietta Avenue Zoning Map Amendment at 9:00 p.m. The motion passed (5-0).

The regular Board of Supervisors meeting was re-opened by Chairman Dumeyer at 9:05 p.m.

### III. APPROVAL OF MINUTES.

#### A. May 1, 2018 regular meeting.

- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the Board's May 1, 2018 regular meeting minutes as presented. Motion unanimously carried, (5-0).

#### B. April 30, 2018 Road Tour

- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *approve* the Board's April 30, 2018 road tour minutes as presented. Motion unanimously carried, (5-0).

### IV. COMMUNICATIONS.

#### A. BOARD OF SUPERVISORS

1. Chairman Dumeyer recognized the presence of former Board Supervisor Frank Burkhart and thanked Chief of Police Mark Pugliese I for sending out an email about one of our officers playing ball with some children.
2. Kent Gardner noted that Lancaster Water Week is this week and read a schedule of activities.
3. Edward Fisher thanked the Road Department for their work at all the parks.

#### B. TOWNSHIP MANAGER.

##### INTERNAL MATTERS

1. **Dogs in Parks:** This matter was discussed at our May meeting. Since that time I have consulted with our Solicitor and Mark. Attached are their thoughts. Our

Solicitor will be at our meeting and will be able to answer any specific questions you may have. **I am seeking direction as to whether or not the Board wishes for me to work with our Solicitor to draft an ordinance amendment.**

❖ **Action:** Moved by Kent Gardner and seconded by Robert Munro to *authorize* Andrew Stern to work with the Township Solicitor to draft an amendment to the Township's Ordinance with respect to the current prohibition of dogs in Township parks. The motion passed (5-0).

2. **Flags:** Our new municipal building will have three flag poles. One for the US flag, one for the Pennsylvania flag, and one for a flag of our choosing. Currently, we are flying the 'Honor and Remember Flag'. In July of 2009, the Township passed a resolution (4-09) supporting the 'Honor and Remember' campaign to make this flag an official national flag, which to date has not yet occurred.

Staff would like to suggest a custom flag for the third pole. At times we fly the police flag but given the fire company's residence in our new building we feel it would be appropriate to recognize them as well. The custom flag would consist of logos from our police and fire departments – see attached. If the Board desires to continue flying the 'Honor and Remember' flag, then I would suggest a shift to the 'Honor and Sacrifice' flag which is a part of the same organization but is specific to police and fire. **I am seeking a consensus from the Board as to which flag you would like as our third flag.**

❖ **Action:** During discussion, suggestion was made to fly both flags ('Honor and Sacrifice' and 'Honor and Remember') on one pole simultaneously. The Board *unanimously concurred*.

3. **MS4 – Stormwater Fees:** As per our PRP filed with DEP, we anticipate a cost of about \$500,000 to meet our PRP requirements for 2018-2023. During the 2018 budget cycle, the Board agreed to create a fund for this and to budget \$100,000 each year to put in this fund for our PRP projects. Given our recent discussions with DEP, it is very conceivable that our costs will grow significantly, either during this cycle or in future permit cycles. If this occurs, our option would be to fund these projects from increased taxes or from a new Stormwater Fee. Several other area municipalities have begun the process to create such a fee, which requires a significant amount of time and money. I have asked Rettew for a proposal. I would also like to have discussions with neighboring communities as well as LASA about the potential for a regional fee or at least some consistency in how such a fee would be calculated and administered. **I am seeking the Board's consensus to continue in this direction (although I am NOT at this time seeking the Board's approval for a fee – that will come later, if ever).**

❖ **Action:** Following discussion on increased taxes versus a new stormwater fee and Solicitor Cleary's suggestion to think about a Regional Stormwater Authority, Mr. Stern stated he would like to put together a rough skeleton of a cafeteria menu of options. The Board

*unanimously concurred* with Mr. Stern's request to continue in the direction he has proposed.

4. **MS4/PRP:** On Friday, May 18, 2018, I attended a meeting arranged by Representative Brett Miller with the Secretary of DEP as well as most of the Lancaster County elected delegation of Senators and Representatives. The purpose of the meeting was to present to DEP and our elected officials our concerns about the direction DEP is going with our PRP reviews. I am not sure if anything came of the meeting – time will tell. For now we continue to wait for our review letter!

*Mr. Stern added the DEP position has not changed and we expect our PRP to be denied. At such time, he requested authorization to contact an attorney who specializes in this type of legal counsel. Solicitor Cleary agreed.*

- ❖ **Action:** Motion was made by Kent Gardner and seconded by Robert Munro to *authorize* Andrew Stern to engage an attorney with the expertise to assist with appeal of the Township's MS4/PRP review letter. The motion passed (5-0).

#### EXTERNAL MATTERS

1. **Centerville Road:** A reminder that Centerville Road will be CLOSED north of Marietta starting around June 7-11 and will remain closed until late summer. The posted detour route will include Marietta, Stony Battery, Church, and Harrisburg Pike. Significant traffic delays should be expected. I have advised all emergency services in the Township.
2. **Marietta Bridge at Chiques Creek:** This bridge has been closed as of April 30, 2018. We have had significant problems with people ignoring signs and driving past the closure point. The school district had issues with children trying to get to a bus stop while cars were making U-turns. Mark, Dale, and I worked with the contractor and PennDOT to get additional signs placed which has helped. We will continue to monitor the situation. A special thanks to Dale who loaned some of our signs to the contractor, with PennDOT's approval, while the contractor obtained formal PennDOT approval to erect their own signs.

#### PERSONNEL

1. **Police Grievance:** At the May Board meeting you voted to deny a grievance from the Police Association. On May 11, the Association withdrew its grievance. A copy of the withdrawal letter is attached.

#### OUTSIDE BOARDS AND COMMITTEES

1. **CLC COG:** On May 23, 2018, I attended the CLC-COG meeting in Manheim Township. I have nothing new to report.

**CORRESPONDENCE**

1. **Columbia Borough.** We received a letter from Columbia Borough advising us of the decommissioning of the Columbia Waste Water Treatment Plant as a result of their sale of their wastewater system to LASA.
2. **District Attorney's Office.** We have received the 1<sup>st</sup> Quarter 2018 Drug Task Force Report.
3. **EMA Coordinator.** We have received a letter from PEMA acknowledging the recommendation of John Leas as our EMA Coordinator and indicating that PEMA's endorsement has been sent to the Governor for signature.
4. **Columbia 2017 Water Quality Report** – Received and copies distributed.

C. **TREASURER'S REPORT: MAY 2018 FINANCIALS.**

General Fund	\$ 2,288,216.92
Sewer Fund	\$ 273,668.20
Refuse Fund	\$ 399,679.24
Street Light Fund	\$ 4,625.06
Fire Hydrant Fund	\$ 43,713.70
TDR Fund	\$ 590,366.17
State Liquid Fund	\$ 1,002,678.05
Police Pension Fund	\$ 6,670,177.34
Non-Uniform Pension Fund	\$ 2,269,525.11
Recreation	\$ 15,489.73
Highway	\$ 848,141.73
Post Retirement	\$ 25,207.12
Health Care (HRA)	\$ 29,130.95
Fulton Bank	\$ 1,135,362.62
<b>Total All Funds April 2018</b>	<b>\$ 15,595,981.94</b>

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

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

1. **POLICE:** Police Chief Mark Pugliese I reviewed highlights of his report.
  - o Vehicle Fleet - Chief Pugliese reported on an opportunity to obtain a military surplus HUMVEE transport vehicle and requested authorization to proceed with acquisition of the vehicle. There is no cost in the acquisition of the vehicle;

however, any mechanical repairs and/or cosmetic repairs would be at the Township's expense. Specific information and photographs were included in his report.

❖ **Action:** Moved by Edward Fisher and seconded by Kent Gardner to *authorize* Chief Pugliese to proceed with acquiring the Humvee to be used for special purposes as presented and discussed. The motion passed (5-0).

- Police/Public Relations – Officers assisted/participated in many events: Farmdale Festival, Mountville Community Days, Mountville Memorial Day Parade and Officer Karl Hartranft and a group of children playing basketball that was posted on Facebook. In addition, Chief Pugliese noted he missed identifying Officer Gardill as one of the officers being recognized by Toys for Tots during the Police Awards Ceremony on May 1, 2018 and wanted to make sure that he was recognized.
- PUBLIC WORKS: Dale E. Getz reviewed his report. Much work is being done on the parks, pavilions and playgrounds getting them ready for the Holiday weekend.
- ZONING/LAND USE: Dwayne Steager reported that concentration is on BMP Inspections this month.

2. FIRE: Reports were received from all departments

E. RESIDENTS: None

## V. LAND USE

### A. St. Anne's Retirement Community

**Conditional Use: Case #78**

**Location: 3952 Columbia Avenue**

**Zone R-3**

**Acreage 42.75**

As the result of unexpected delays, the applicant has been unable to comply with Condition No. 9 of the Conditional Use Case No. 75 decision and is requesting a time extension.

**Action Required:**

Motion to Refer to Planning Commission

Motion to Schedule Public Hearing for July 3, 2018 (60 day: 7/21/2018)

❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *refer* St. Anne's Retirement Community request to the Planning Commission *and schedule*

a Public Hearing for the July 3, 2018 Board of Supervisors meeting. The motion passed (5-0).

**B. Naumann Holdings LLC**  
**3909 Abel Drive**  
**Financial Security Release Request**  
**Zone C-2**  
**Acreage 1.2**

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	\$212,331.90
Previous Reductions	\$191,098.71
Outstanding Balance	\$ 21,233.19
(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 May 29, 2018, the Township Engineer recommends that the financial security for this development 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 for Naumann Holdings LLC, 3909 Abel Drive of the full amount including any automatic increase that may have occurred once the applicant has recorded the submitted as built plans. The motion passed (5-0).

**C. Request for a Temporary Use Signs**  
**Building Industry Association**  
**Parade of Homes**

The Building Industry Association is again asking that the Board of Supervisors grant them permission to allow two directional signs be placed in West Hempfield Township for the Lancaster County's Annual Parade of Homes. The dates of the Parade are June 16-24, 2018. Additional details were provided in letter dated April 21, 2018 received from the Building Industry Association of Lancaster County. They have asked for such requests to be granted in the past and Staff has had no issues with the placement and removal of these signs.

- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to ***grant permission*** to the Building Industry Association to allow two directional signs be placed in West Hempfield Township for the Lancaster County's Annual Parade of Homes June 16-24, 2018. The motion passed (5-0).



#### **D. C-2 Zoning Text Change Amendment Discussion**

A Public Hearing will be held July 3, 2018 before the Board. Attorney Mark Stanley, McNees Wallace & Nurick was present representing ACP Properties, LLC. with a request to brief the Board on a revised Petition to Amend the West Hempfield Township Zoning Ordinance to create a “Mixed-Use Development Design Option” in the C-2 Commercial District permitted by Conditional Use and asked for initial feedback the Board may have in connection with the development of property located at 4061 Columbia avenue in preparation for the Hearing. Attorney Stanley reviewed, in detail, the revised petition to amend the zoning ordinance which incorporates changes to the proposed ordinance suggested by the Township Engineer. Copies of the revised documents were provided for reference and discussion purposes. Particular attention was given to Section 1303.4, Building Height Regulations A, B and C.

- Robert Munro stated he was not in favor of 4-story buildings that would affect the view and character of the Township.
- Edward Fisher stated 60 feet is pretty high and he agrees with Mr. Munro.
- Attorney Stanley stated 45 feet is currently in the Township Ordinance and asked if the Board would consider going to 50 feet for mixed use. He further stated the County is favoring vertical growth. The Board unanimously felt the height should stay consistent at 45 feet.
- Attorney Stanley stated the Township does have to plan for a certain amount of growth and develop those areas in a way that takes pressure off some of the ground the county wants to preserve.
- Township Solicitor Cleary stated that since the ad has not yet been published, the Board could alter the ad at this time if the Board wishes to make further changes in amending the Ordinance and reviewed the conditions for advertising. She advised that a massive change would have to go back to the Planning Commission; however, a tweaking change does not..
- Kent Gardner noted the Growing Greener Plan is now obsolete. LIMC has no plan at this time to revise it and has not talked about going vertical.
- Dwight Forry, resident, asked if we need more housing and more buildings and questioned the effect on the school district.
- Donna Bushong, resident, commented she is looking for options that the Township doesn't currently have.

At close of discussion and there being no further comments or questions (Board or Public) the following action was taken:

- ❖ **Motion:** Moved by Robert Munro and seconded by Kent Gardner to *approve* changing West Hempfield Township Zoning Ordinance Section 1303.4, Building Height Regulations A, B and C, to 45 feet each. The motion passed

(4-1) with Naomi Martin voting nay. Solicitor Cleary will make the necessary changes to the draft ordinance and send a copy to the newspapers so that it is available for public inspection and proceed with publishing the advertisement.

Chairman Dumeyer thanked all those who participated and contributed to the discussion.

VI. NEW MUNICIPAL COMPLEX.

1. **Update:** We are still looking at the end of June for substantial completion. We are still under budget!
2. **Sanitary Sewer:** We are STILL experiencing problems but we are optimistic they will be resolved SOON!! We are waiting for a revised PennDOT permit as the boring company needed to adjust slightly from what had been approved.
3. **Grease Trap:** A grease trap was not provided for the fire station kitchen, despite being required by our building codes and LASA requirements. We are working to resolve this, although the resolution may occur after occupancy.
4. **Furniture:** Most furniture has been ordered. There are a few items we may purchase after occupancy once we have a better idea of how things will fit and look
5. **IT:** A special thanks to Mark for helping with IT issues as we prepare for our move. As you are aware we are trying to save money by moving our existing phones and computers to the new building. This has created logistical issues with the contractors who are trying to setup their software for systems in the new building.
6. **Building Opening:** We hope to have the building open by the end of July, with the first official Board meeting in the new building August 7. We are tentatively looking at an open house maybe July 21 or July 28. We will keep you updated as to what date seems most feasible. We'd like to be 'almost moved in' for the open house, but not moved in to the point where we need to block off areas of the building to the public.

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS.

1. Hempfield Rec Center: Annual Golf Tournament Sponsorship – Andrew Stern submitted the sponsorship form.
  - ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro *to approve* a \$100.00 sponsorship for the Hempfield Rec Center Annual Golf Tournament to be held July 27, 2018. The motion passed (5-0).

IX. ORDINANCES AND RESOLUTIONS.

A. Ordinance #4-18: Marietta Avenue Zoning Map Amendment

Andrew Stern presented Ordinance #4-18 amending the Zoning Map by changing the zoning classification of four tracts of land as identified from Rural Agricultural District (RA) to Traditional Village District (TV).

- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *adopt* Ordinance No. 4-18, an Ordinance to amend the Code of Ordinances of the Township of West Hempfield, Chapter 145, Zoning, to rezone lands on the North and South sides of Marietta Avenue (SR 0023), East of Ivy Drive, from Rural Agricultural District (RA) to Traditional Village District (TV). The motion passed (5-0).

B. Golden Eagle Way

1. Resolution #6-18: Adoption of Street

Andrew Stern presented the resolution prepared by Solicitor Joselle Cleary that is necessary to accept the segment of Golden Eagle Way which specifically references the acceptance of the prior segment of Golden Eagle Way by Resolution No. 11-05.

- ❖ **Motion:** Moved by Robert Munro and seconded by Kent Gardner to *adopt* Resolution #6-18, a Resolution of the Township of West Hempfield, Lancaster County, Pennsylvania, accepting Golden Eagle Way as part of the public road system of West Hempfield Township. The motion passed (5-0).

2. Authorize Advertisement of Traffic Control Device Ordinance

Andrew Stern submitted a proposed Ordinance, prepared by Solicitor Joselle Cleary, to establish a stop sign on Golden Eagle Way at its southern intersection with Eagle's View and requested authorization to advertise.

- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to *authorize* Solicitor Cleary to advertise the proposed ordinance to establish a stop sign on Golden Eagle Way at its southern intersection with Eagle's View. The motion passed (5-0).

X. APPROVAL OF PAYABLES.

West Hempfield Board of Supervisors  
 June 5, 2018 Minutes

FUND	AMOUNT	CHECK #'S
Payroll and Taxes	\$ 199,010.06	EFT
General Fund	\$ 244,167.20	30270 - 30358
Fulton Bank	\$ 611,292.16	218 - 225
Refuse Fund	\$ 70,779.27	2609 - 2614
Fire Hydrant	\$ 34.66	226 - 227
WHT Escrow	\$ 396.29	210
State Fund	\$ 3,915.49	3223 - 3228
<b>Total</b>	<b>\$ 1,129,595.13</b>	

❖ **Motion:** Kent Gardner moved, seconded by Robert Munro, to *approve* payment of all bills between May 1 – May 31, 2018 and any residuals. Motion carried (5-0).

XI. GOOD OF THE ORDER.

- Upcoming Meeting: July 3, 2018, Regular Board of Supervisors Meeting.

XII. ADJOURNMENT TO EXECUTIVE SESSION FOR A PERSONNEL MATTER.

Chairman Dumeyer asked for a motion to adjourn the regular meeting at 10:10 p.m. to go into Executive Session for a Personnel Matter.

❖ **Motion:** Robert Munro moved, seconded by Edward Fisher, to *adjourn* the regular Board of Supervisors meeting to Executive Session for a personnel matter at 10:10 p.m. Motion carried unanimously (5-0).

Respectfully submitted,



Andrew Stern,  
 Township Manager

