

**WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING**  
**Minutes of September 4, 2018**

The regularly scheduled meeting of the Board of Supervisors was held at the new 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, Finance/Personnel Director, 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. Following the Pledge, the Chair announced an Executive Session will be held immediately upon adjournment of tonight's meeting to discuss legal and personnel issues.

II. APPROVAL OF MINUTES.

A. August 7, 2018 regular meeting.

- ❖ **Motion**: Moved by Edward Fisher and seconded by Kent Gardner to *approve* the Board's August 7, 2018 regular meeting minutes as presented. Motion carried, (5-0).

III. COMMUNICATIONS.

A. BOARD OF SUPERVISORS - None

B. TOWNSHIP MANAGER.

**INTERNAL MATTERS**

1. **Eby Chiques Road.** The project is complete. This was a major project for our Public Works department and it turned out great! We remained close to the original budget established several years ago despite the scope being broadened significantly. Final paving has been delayed as recent storms have caused a backlog with pavers and asphalt plants.
2. **Planning Commission.** The terms for Ron Beam and Larry Groff both expire December 31, 2018 of this year. Both members have been on our Planning Commission for many years and have indicated that they are not interested in serving another term. I am seeking the Board's authorization to publicize the upcoming openings of these positions and to accept letters of interest for the Board to consider prior to your January reorganization meeting. *The Board concurred.*

3. **Park Pavilion Rentals.** At last month's meeting I presented a report from my staff on the usage of our park pavilions by residents and non-residents. We are still finalizing a report on how other municipalities charge for pavilion use. I will have this information for you at an upcoming meeting.

#### NEW MUNICIPAL BUILDING

1. **New Building.** We continue to work with the contractors to finalize punch list items. I have not included financials in this report as we are still finalizing change orders, credits owed to us, and return of retainage. We remain well under budget.
2. **Sale of Old Township Building.** I am looking at holding the auction on November 8, the day of our November Board meeting (meeting is Thursday due to the election that week). This would allow the Board to vote to accept or reject the highest bid. I am working with our Solicitor to prepare required documents and schedule the auction with an auctioneer. We anticipate auctioneer fees of approximately \$3,150 for advertising and a 2% commission.

#### EXTERNAL MATTERS

1. **Voting.** The new municipal building will be a voting site for the upcoming November general election. This building will replace the former fire station voting location.
2. **Flooding.** During August we had significant flooding throughout the Township. Our staff did their best to keep up with complaints and concerns, although we were unable to make everyone happy. We have several problem areas identified for our upcoming road tour, although there are no quick and easy solutions for the areas hit hardest.
3. **Purple Lake/Grubb Lake.** Residents of the Purple Lake and Grubb Lake areas have expressed concern about continued flooding at their properties. I anticipate their presence at this meeting to talk to the Board.
4. *Mr. Stern additionally noted that Newcomer Road/Eby's Chiques Road Bridge at Chiques Creek was one of the worst hit parts of the Township. An Amish family that lives near the bridge went out late Friday and early Saturday and cleaned up all the debris. He would like to thank them but does not know their name.*

#### PERSONNEL

1. Nothing new to report.

#### OUTSIDE BOARDS AND COMMITTEES

1. Nothing new to report.

**CORRESPONDENCE**

1. **Ribbon Cutting Ceremony.** Thank you letters were sent to all Boy Scout and Cub Scout leaders involved in our ribbon cutting ceremony.

C. TREASURER’S REPORT: AUGUST 2018 FINANCIALS.

General Fund	\$ 3,682,062.63
Sewer Fund	\$ 273,759.89
Refuse Fund	\$ 422,307.86
Street Light Fund	\$ 1,544.42
Fire Hydrant Fund	\$ 48,553.06
TDR Fund	\$ 592,778.07
State Liquid Fund	\$ 994,105.78
Police Pension Fund	\$ 6,777,783.34
Non-Uniform Pension Fund	\$ 2,311,017.29
Recreation	\$ 40,609.54
Highway	\$ 951,767.90
Post Retirement	\$ 25,310.10
Health Care (HRA)	\$ 27,263.62
Fulton Bank	\$ 642,916.16
<b>Total All Funds July 2018</b>	<b>\$ 16,791,779.66</b>

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

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

1. **POLICE:** Police Chief Mark Pugliese I reported the date for the records management system switchover has been changed to January 15, 2019. The new building is working out very well and they have had a few guests in their holding cells.
2. **PUBLIC WORKS:** Dale Getz commented he would like to get everything squared away, but with the heavy rains and flooding, things keep getting added to the list. Kent Gardner questioned the status of the possible purchase of a Ventrac Tractor. Dale reported it is on hold.

E. GUESTS.

1. Cindy Farley, Lancaster Public Library, presented 2017 library statistics relating to West Hempfield Township and stated that the library ranks 439 out of 450 public libraries in Pennsylvania in municipal funding. Of particular interest was the largest percentage breakout of library cardholders being the Silent Generation (those persons born between 1928 and 1945) and the lowest being the Millennials (1981-2000). She thanked the Board for their continuing contribution and asked that they remember the library when developing next year's budget.
2. Michael Fitzgibbons, Susquehanna Valley EMS, distributed and reviewed information about type of calls for the months of July and August and other related information pertaining to their programs and various events scheduled. Chairman Dumeyer remarked that the Susquehanna Valley EMS will be working out of the new Township Municipal building and will be a continuing reporting presence at Board of Supervisors meetings.
3. Chairman Dumeyer recognized former board member, Frank Burkhart; Mike Mastriana, Marine Corps League Commandant, Lancaster County Detachment 294; and Mountville Mayor Phil Kreske.
  - Commandant Mastriana provided a pamphlet and briefly reviewed the mission statement and special events and programs. He noted the Marine Corps League depends solely on donations and fundraisers as their primary means of funding programs. He further stated that small games of chance would help with fund raising efforts and asked everybody to vote "yes" for Small Games of Chance.
  - Mayor Kreske commented on rules for parks. He stated Lake Grubb was intended as a nature preserve and was concerned about the dilemma faced in enforcing rules for dogs on the trail in Mountville. He asked the Board to keep Lake Grubb a nature park and Chairman Dumeyer advised a resolution regarding this is on tonight's agenda.

F. RESIDENTS.

- Gil Bixler, Indian Head Road, informed that he is involved with the Toys for Tots Program. He shared positive comments regarding the Program and the need for fund raising, and stated he was in support of the Small Games of Chance Bill.
- Ken Dewitsky, Marietta Avenue, wished to discuss flooding issues due to a small creek west of Raintree Road that runs down his property and questioned the Township's responsibility for that creek. The Board stated it has no authority over private property; however, Kent Gardner suggested that Mr. Dewitsky look into grants that are available that may be an option for him. Edward Fisher noted the storm drain that runs through Mr. Dewitsky's

property is at the intersection of Marietta Pike and Chairman Dumeyer suggested that Mr. Dewitsky contact his State Representative to have PennDOT take care of it.

- Elizabeth Crimmins, Sycamore Drive, reported her basement is flooding due to a trench dug by a neighbor to divert water so now that water comes into her basement. The Board will take a look at this when on the Road Tour and possibly discuss the situation with the neighbor. Mrs. Crimmins added there is a retention pond that is also causing a problem for her property. She will provide photos and videos to the Board.

#### IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

##### **BRIEFING ITEMS:**

##### **A. 3733 Marietta Ave - WHTPC 11-18**

**Sketch Plan**

**Location: 3733 Marietta Ave**

**Zone: TV**

**Lot Size: 8.22 acres/358,063.2 ft.<sup>2</sup>**

The applicant is proposing to combine and develop the parcel into 36 townhouses and 44 apartments. These lots will be served by public water and sewer. Storm water facilities are included in the plan.

##### **B. Saint Mary's Coptic Orthodox - WHTPC 10-18 (90 Days 10/30/18)**

**Preliminary/Final Land Development Plan**

**Location: 770 Summit Drive**

**Zone: TV**

**Size: 4.76 acres/207,346 ft.<sup>2</sup>**

The applicant is proposing to develop on the site a House of Worship with related accessory structures on property already owned, located in the Traditional Village zoning district. The use is permitted by conditional use approval on July 3, 2018. Storm water facilities are included in the plan.

##### **C. JNJM Properties - WHTPC 09-18 (90 Days 10/29/18)**

**Final LD/SWM Plan**

**Location: 1820 Franklin Road**

**Zone: C-2**

**Lot Size: 5.805 acres/252,865.8 ft.<sup>2</sup>**

The applicant is proposing an 18,481 ft.<sup>2</sup> expansion of its existing facility with the addition of a new warehouse building and attendant improvements and storm water facilities. This proposal includes requests for waivers.

**AGENDA ITEMS:**

**A. J. Edward Buckwalter - WHTPC 06-18 (90 Days 9/13/18)  
Preliminary/Final Subdivision Plan  
Location: 1775 Clear Spring Road & 202 Prospect Road  
Zone: RALot Size: 141.8 acres**

The Applicant is proposing to subdivide the parcel into 2 lots. The applicant has requested a waiver of the requirement to dedicate additional right-of-way for Clear Spring Road and Prospect Road.

**REQUESTED WAIVER.**

**Section 605.K.5 – Dedication of Additional Right-of-Way**

The applicant has requested a waiver of the requirement to dedicate additional right-of-way for Clear Spring Road and Prospect Road, due to the property being subject to an agricultural conservation easement.

The Township engineer has recommended approval of the waiver based upon the justification provided.

**Action Required:**

- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the waiver of Section 605.K.5 – Dedication of Additional Right-of-Way for Clear Spring Road and Prospect Road, based on the justification provided. The motion passed (5-0).
- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the waiver of Section 602.K.6, 602.M, and 602.N, for curb, sidewalk, and roadway improvements, based on the justification provided and that it is a preserved farm. The motion passed (5-0).
- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the plan for J. Edward Buckwalter with the condition that all outstanding comments be addressed to the satisfaction of the Township staff. The motion passed (5-0).

**B. Elway Properties Lancaster WHTPC 11-16  
C/O Oak Tree Development Group LLC  
Request for release of Bond No. 800022706  
Location: 180 North Donnerville Road**

The applicant is requesting a release of their Bond Security No. 80002206 in the amount of \$171,284.40. This amount does not include any increase that may have automatically occurred on the anniversary date of the financial security.

Based on the township engineer's site visit on August 28, 2018, there are the following comments:

1. The site needs to be seeded and stabilized to establish a 70% vegetative cover.
2. Five (5) deciduous trees remain to be planted.
3. The concrete monuments and corner markers need to be set.
4. 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 the site visit and a review of the documentation, the township engineer recommends that the financial security for this development be reduced by \$154,155.87, which will leave a new outstanding financial security balance of \$17,128.43. 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 (\$171,284.30) 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 \$17,128.43. The above amount does not include any increase that may have automatically occurred on the anniversary date of the financial security.

**Action Required:**

- ❖ **Motion:** Moved by Edward Fisher and seconded by Robert Munro to *deny* the release of Bond Security No. 800022706 in the amount of \$171,284.30. The motion passed (5-0).
- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the partial release of Bond Security No. 800022706 in the amount \$154,155.87 leaving a new outstanding financial security balance of \$17,128.43. The motion passed (5-0).

**C. St Anne's Retirement Community WHTPC 15-07  
Request for reduction of Escrow  
Location: 3952 Columbia Ave.**

The applicant is requesting a reduction of their escrow, originally in the amount of \$1,361,135.38, by an amount appropriate to the work completed.

Based on our site visit on August 29, 2018, we have the following comments:

1. The traffic signage needs to be installed.
2. The lighting and landscaping need to be installed.

3. The remaining concrete slant curb, stone base, and binder course need to be installed.
4. The wearing course needs to be installed.
5. The sidewalks need to be installed.
6. The remaining stormwater improvements need to be completed.
7. Upon completion of construction, the site needs to be seeded and stabilized.
8. The stormwater basins need to be converted to permanent conditions.
9. Documentation of testing results for clay cores, etc., need to be provided to the Township and Rettew.
10. 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.
11. It appears that water could bypass the curb of level spreader C3-1 and flow directly out the west end. The designer will need to provide proposed modifications to the level spreader that will keep the water from bypassing in this direction.
12. The grouting at all stormwater structures needs to be verified at the time of as-built plan review.
13. 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 the township engineer's site visit and review of the documentation, the engineer has recommended that the financial security for this development be reduced by \$507,494.92, which will leave a new outstanding financial security balance of \$853,640.46. 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 above amount does not include any increase that may have automatically occurred on the anniversary date of the financial security.



**Action Required:**

- ❖ **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to **approve** the partial release of the Financial Security Escrow of \$1,361,135.38 by the amount of \$507,494.92 leaving a new balance of \$853,640.46. The motion passed (5-0).

**D. Request for a Special Event Sign  
Grant Shultz Ski Tunes/Lancaster Ski Club**

Grant Shultz of Ski Tunes and the Lancaster Ski Club are again asking that the Board of Supervisor's grant them permission to allow Special Event signs be placed in West Hempfield Township for the 11<sup>th</sup> Annual Ski and Snowboard Swap. The dates of the event are October 20 and 21, 2018. Part of the proceeds will be donated to an as yet undetermined charity. The request is for 12 directional signs and one 3' by 6' banner placed one week prior and to be removed the day after the event.

**Action Required:**

- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to **approve** the request to allow Special Event signs to be placed in West Hempfield Township for the 11<sup>th</sup> Annual Ski and Snowboard Swap to be held October 20 and 21, 2018. The motion passed (5-0).

**V. UNFINISHED BUSINESS**

- a. HARC Intergovernmental Agreement: Authorize staff to advertise ordinance.

- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to **authorize** staff to advertise an ordinance concerning the governance and funding of the Hempfield Area Recreation Commission jointly with other municipalities. The motion passed (5-0).

**VI. NEW BUSINESS**

- a. Schedule Road Tour – October 2018. Following discussion, the date of October 29, 2018, at 8:00 a.m. was scheduled for the Road Tour.
- b. Schedule Budget Session – November 2018. Following discussion, the Budget Session was scheduled for November 5, 2018, at 3:00 p.m.

**VII. ORDINANCES AND RESOLUTIONS.**

- a. Resolution 10-18 Dogs in Parks – Removing Lake Grubb Nature Park.

- ❖ **Motion:** Moved by Kent Gardner and seconded by Robert Munro to **adopt** Resolution No. 10-18 Dogs in Parks – a Resolution of the Board of Supervisors of

West Hempfield Township removing Lake Grubb Nature Park from the list of Township owned and/or operated park and recreation facilities where dogs are permitted. The motion passed (5-0).

b. Resolution 11-18 Small Games of Chance.

❖ **Motion:** Moved by Kent Gardner and seconded by Edward fisher to *adopt* Resolution No. 11-18, Small Games of Chance - a Resolution of the Board of Supervisors of the Township of West Hempfield, Lancaster County, directing that a question be placed on the ballot and submitted at the primary election to be held in 2019 regarding small games of chance within the Township. The motion passed (5-0).

c. Resolution 12-18 Authorization to Sell 3401 Marietta Avenue.

❖ **Motion:** Moved by Kent Gardner and seconded by Edward Fisher to *adopt* Resolution No. 12-18, a Resolution of West Hempfield Township, Lancaster County, Pennsylvania authorizing sale of certain real estate and personal property. The motion passed (5-0).

VIII. APPROVAL OF PAYABLES.

FUND	AMOUNT	CHECK #'S
Payroll and Taxes	\$ 316,758.68	EFT
General Fund	\$ 584,490.73	30555 - 30715
Fulton Bank	\$ 140,711.23	241 - 249
Sewer Fund		
Refuse Fund	\$ 71,550.61	2629 - 2638
Street Light	\$ 4,061.89	428
Fire Hydrant		
WHT Escrow	\$ 27,616.81	218 - 215
State Fund	\$ 55,471.75	3244 - 3253
<b>Total</b>	<b>\$ 1,200,661.70</b>	

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

IX. GOOD OF THE ORDER.

- **Upcoming Meeting:** October 2, 2018, Regular Board of Supervisors Meeting at the new Municipal Building, 3476 Marietta Avenue, 7:30 p.m.

X. ADJOURNMENT

Chairman Dumeyer asked for a motion to adjourn the regular meeting to Executive Session to discuss legal and personnel issues at 8:40 p.m.

- ❖ **Motion:** Edward Fisher moved, seconded by Kent Gardner, to *adjourn* the regular Board of Supervisors meeting to Executive Session to discuss legal and personnel issues at 8:40 p.m. Motion carried (5-0).

Respectfully submitted,



Andrew Stern,  
Township Manager

