

**WEST HEMPFIELD TOWNSHIP SUPERVISORS' MEETING**  
**Minutes of November 5, 2015**

The regularly scheduled meeting of the West Hempfield Township Board of Supervisors was held on Tuesday, November 5, 2015 at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania. Chairman David Dumeyer and Board members Frank Burkhart, Kent Gardner and Naomi Martin were present. Edward Fisher arrived late. Also in attendance were Township Manager Ron Youtz, Chief of Police Mark Pugliese I, Zoning Officer Jodi Heffner, and Brenda Baumbach, Finance/Personnel Director serving as Recording Secretary.

I. CALL TO ORDER

Chairman David Dumeyer called the meeting to order at 7:30 p.m. and he invited the audience to rise and join the Board of Supervisors with the Pledge of Allegiance to the flag. He also announced that following the meeting, the Board will convene into Executive Session to discuss a personnel issue.

II. APPROVAL OF MINUTES: October 6, 2015

**Motion:** Frank Burkhart moved, seconded by Kent Gardner, to approve the October 6, 2015 regular Board meeting minutes as presented. Motion carried, 4-0.

III. COMMUNICATIONS

A. BOARD OF SUPERVISORS

Kent Gardner said the Clean Water Consortium and the Little Conestoga Water Shed Alliance did a GIS mapping of all the Vegetation Management Plan's (VMP's). He said most of the municipalities are in the Chiques Water Shed and GIS mapping has begun. He has a sample copy of the map for review and if anyone is interested or requests the map, he can obtain copies. The GIS mapping has been presented to Department of Environmental Protection and the Chesapeake Bay Commission.

Kent Gardner stated the Chiques Watershed and the Clean Water Consortium have received a sizable grant from the National Fish and Wildlife Foundation. He mentioned that along with the Little Conestoga Watershed they did education and outreach programs and offered residents to apply for mini-grants to help handle and/or control storm water. He stated he would assist residents with the completion of the grant application.

Susquehanna River Basin Commission (SRBC) is placing water monitoring stations within the Chiques Creek area. He said they have placed a couple stations within the Township. He says there is a big push from both DEP and SRBC to getting Chiques Creek clean.

B. MANAGER – No report

C. RESIDENTS

1. Jill Rhinier of 328 Greenbrier Drive suggested to the Board to consider adopting a property maintenance code in order to enforce residents of the Township to bring their property up to standards and to stop property value from declining. She has lived in West Hempfield Township for 12 years and she said in her development alone, she has seen residents not maintaining their homes. She says there are vacant homes and garbage lying in the front yard. This is what people see when they move into the Township.

Mrs. Rhinier offered her knowledge and service to set up a committee to develop an ordinance and investigate changes that could be made to help keep the Township clean.

She said as an example of violations, someone was living in a travel trailer that was sitting in a neighbor's driveway. She said she filed a complaint and the trailer was finally removed after two months.

Mrs. Rhinier said that she has discussed with the Township Zoning Officer the violations that are within her development. She said residents are fed up with the ongoing violations and they don't know what to do or where to go to get these violations corrected.

2. Carl Rhinier of 328 Greenbrier Drive suggested that an article be placed in the next newsletter to ask all residents who have a driveway to move their vehicles off the street in order for the plow trucks to clear the snow. He said there are campers and a bus parked on properties which are in violation of the Township ordinances. He asked the Board what residents can do to get the Township back to its compliance level of living.

Mr. Rhinier stated they do have a camper and they have it on their property over a short time period. This is done so they can get the camper ready to go on vacation or they clean it up after a vacation. He said it is frustrating when he tries to keep his property clean and in decent order, but there are neighbors who just don't care.

Chairman David Dumeyer said he did meet with the Rhiniers and he instructed them to submit their list of complaints to the Zoning Officer, Jodi Heffner. She explained the procedure of notifying residents of a violation. She said violation letters were sent to all the residents on Mrs. Rhinier's list. Township Manager Ron Youtz stated that the Township does follow up on all complaints. If the violations still exist, Township staff would then have to come before the Board and request a complaint be filed with the local district magistrate's office, who would then determine the outcome.

3. Deputy Fire Chief Barry Carter stated he had given each Board member a copy of the October 2015 fire company activity report for their review. He felt the activity during the month of September was a mild one.

Kent Gardner mentioned that he noticed the average responders per call has been slowly increasing. He also asked how the continued discussions with the other fire companies are going. Mr. Carter stated the discussions are going very well. He mentioned that in June the steering committee appointed a sub-committee to reach out and obtain information and data

and to report back to the steering committee within six months. He said at the conclusion of the six months, there will be a “town hall” type meeting scheduled with all the fire companies to discuss the findings, and hopefully he will be able to report their discoveries to the Board.

Kent Gardner asked if there is going to be sharing of equipment and if so, would other fire company personnel be able to operate all of the various equipment. Barry Carter stated there will be Mutual Aid training classes held to cross train personnel on each fire company’s duties and responsibilities in order to understand each company’s demands on a daily basis and how to help each company.

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

##### A. NAUMANN HOLDINGS, LLC – 3909 ABEL DRIVE – PLAN BRIEFING

Jodi Heffner, Zoning Officer, explained to the Board that the Applicant is proposing to construct 50 mini-storage units and an office on the property located at 3909 Abel Drive. The property is zoned C-2 and consists of 1.2 acres. She also mentioned there is public water and sewer available on the site and noted the storm water facilities has been documented on the plan. She mentioned the applicants are seeking several waiver modifications when the plan is officially presented to the Board.

Township Manager Ron Youtz informed the Board that Abel Drive was constructed in the late 1980’s and there were a few undeveloped lots in the cul-de-sac area. He felt this is a positive move to see interest in these lots and he informed the Board that the proposal meets zoning and that the waivers to be requested are reasonable.

##### B. CHAPMAN FORD – 3951 COLUMBIA AVENUE – REQUEST WAIVER OF LAND DEVELOPMENT PLAN

Raymond Garraffa, Owner/Operator of Chapman Ford, explained to the Board that he is proposing a 2,350 square foot service addition that will be attached to the existing facility. This addition entails a drive lane on the east side of the service center which will also keep the customers out of the weather.

Township Manager Ron Youtz stated that he and staff along with Township Engineer Ben Webber have reviewed the proposal and in reference to storm water there is no additional impervious construction being planned. He also stated that some improvements are being made to the property and staff recommended the installation of sidewalks. He also stated he and Mr. Ben Webber agreed that the waiver from filing a land development plan could be granted, but there are a few conditions that have to be met and to be noted on the plan as it relates to the number of parking spaces and sidewalks.

Ron Youtz, Township Manager, stated the applicant will have to apply for a minor land disturbance permit as this will document the storm water plan.

Frank Burkhart asked for clarification of the size of the addition because the notes of the zoning officer and the plan reflect two different measurements. Edward Fisher stated 2,350 square feet and Mr. Garraffa agreed the addition is 2,350 square feet.

Edward Fisher asked where the water from the downspouts is going to go. He said in the winter the water from the downspouts could be a problem as it could ice the parking lot. Mr. Fisher said he will add an additional comment as a condition.

**Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve waiver of Section 303 and 306, Waiver of Land Development Processing subject to the following conditions:

1. The applicant will provide evidence demonstrating that the resultant change in parking will comply with the requirements of the Zoning Ordinance.
2. A sidewalk will be installed in accordance with the Subdivision and Land Development Ordinance along the frontage of the property. The sidewalk will be installed prior to the issuance of a Certificate of Occupancy for the building addition, or financial security will be provided.
3. A minor land disturbance application for storm water management will be submitted to the Township for approval in accordance with the Storm Water Management Ordinance.
4. The water generated from the downspouts must be directed in a manner that does not impact the adjoining property owners. Motion carried, 5-0.

C. RUTTER'S FARM STORES – 3849 HEMPLAND ROAD – REQUEST FOR TIME EXTENSION

Neil Metzger of LSC Design informed the Board he and his clients are still working on obtaining the PennDOT Road Occupancy permit. He also mentioned there are two outstanding engineering comments that still need to be addressed. He is asking the Board to grant a four month extension from final action being taken on their subdivision and land development plan.

**Motion:** Frank Burkhart moved, seconded by Kent Gardner, to accept the request for a four month extension of final approval on the Rutter's Subdivision and Land Development plan until March 5, 2016. Motion carried, 5-0.

D. DOLLAR GENERAL – SOUTH SIDE OF MARIETTA AVENUE – REQUEST FOR TIME EXTENSION

Mike Lusaitis representing Silver Springs LLC, informed the Board that the conditional use approval was granted at the BOS September meeting, and tentative approval was granted pending compliance with engineering comments. He mentioned there are land agreements being worked on and financial security to be established. He felt the items pending will not be completed in time and Dollar General is requesting a three month extension on final approval being taken on the subdivision/land development plan.

**Motion:** Kent Gardner moved, seconded by Edward Fisher, to accept the request for a three

month extension to defer final approval on the Dollar General plan until February 5, 2016.  
Motion carried, 5-0.

E. ST. ANNE'S RETIREMENT COMMUNITY – 3952 COLUMBIA AVENUE – REQUEST FOR TIME EXTENSION

Cheryl Love representative for St. Anne's informed the Board that they are working on a few items such as obtaining financial security and approval of the erosion and sedimentation plan. She informed the Board that she received an email from Township Solicitor Josele Cleary who said St. Anne's Retirement Community will not need a private street agreement. Ms. Cleary felt that the streets are private and under one ownership and therefore no street agreement is necessary.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to accept the request for an extension of final approval until January 4, 2016. Motion carried, 5-0.

F. GEORGE AND CANDY METZLER – 502 GOLDFINCH DRIVE – REQUEST REDUCTION OF FINANCIAL SECURITY/ESCROW

Jodi Heffner, Zoning Officer, informed the Board that a second request was received from George and Candy Metzler asking for a reduction to their financial security/escrow. She mentioned the only item that is currently outstanding for this project is the as-built plans have not been submitted to the Township. She is recommending the Board grant the reduction as requested.

**Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the second request reduction of the George and Candy Metzler financial security/escrow in the amount of \$8,526.40 with a balance of \$1,500.00 remaining. Motion approved, 5-0.

G. SYLVAN VIEW DEVELOPMENT PHASE 1 – SYLVAN RETREAT ROAD – REQUEST FOR REDUCTION IN FINANCIAL SECURITY

Jodi Heffner, Zoning Officer, informed the Board that she had received a letter from Rettew Associates dated October 27, 2015 stating that based on their site visit and review of the documentation of Sylvan View Development Phase 1, they are recommending the financial security of \$134,339.88 be reduced by \$56,417.86 which leaves a financial security balance of \$77,922.02.

**Motion:** Edward Fisher moved, seconded by Kent Gardner, to accept Rettew Associates recommendation to reduce the Sylvan View Phase I financial security of \$134,339.88 be reduced by \$56,417.86 with remaining financial security balance of **\$77,922.02**. Motion approved, 5-0.

H. SYLVAN VIEW DEVELOPMENT PHASE 2 – SYLVAN RETREAT ROAD – REQUEST FOR REDUCTION IN FINANCIAL SECURITY

Jodi Heffner, Zoning Officer, informed the Board that she had received a letter from Rettew Associates dated October 27, 2015 stating that based on their site visit and review of the

documentation of Sylvan View Development Phase 2, they are recommending the financial security of \$501,107.15 be reduced by \$364,134.92 with a balance of \$136,972.22 remaining.

**Motion:** Edward Fisher moved, seconded by Kent Gardner, to accept Rettew Associates recommendation to reduce the Sylvan View Phase 2 financial security of \$501,107.15 be reduced by \$364,134.92 with remaining financial security balance of **\$136,972.22**. Motion approved, 5-0.

## V. OLD BUSINESS

### A. BUILDING COMMITTEE UPDATE

Ron Youtz, Township Manager, informed the Board that the Building Committee met on Thursday, October 22 at which time they performed their first review of the proposals received from the architectural firms. He stated that on Wednesday, November 4 the infiltration testing was performed on the lot owned by the Fire Company. He said he does not have the official report but was informed of the six holes that were tested, five of them did very well. He stated that when the official reports are received, he will see that everyone gets a copy.

He said the committee is asking how the review of the proposals will be handled. Mr. Youtz stated that two of the four proposals appear to be viable options. He said the Committee could interview the two firms or a joint special meeting could be held to conduct presentations of the two firms.

After discussions, it was agreed to hold a joint meeting with the Building Committee and Board of Supervisors to listen to presentations from the two architectural firms on Monday, November 16, 2015 at 7:00 p.m.

## VI. NEW BUSINESS

### A. REQUEST ADDITION TO TOWNSHIP TOWING LIST

Police Chief Mark Pugliese informed the Board that he had received an application from Morgan Towing to be considered and added to the Township's towing list. He stated they are located at 3530 Columbia Avenue, Lancaster and they have provided a fee schedule for towing and storage along with a copy of their certificate of liability insurance.

David Dumeyer asked how many towing companies are currently on the list. Chief Pugliese answered 10. He commented that he is in the process of updating all the towing fees for the various companies. If he does not receive an updated list from a company, it will be brought before the Board to be removed.

**Motion:** Kent Gardner moved, seconded by Edward Fisher, to approve and add Morgan Towing to the list of towing providers. Motion carried, 5-0.

### B. 2916 BUDGET ESTIMATES – REQUEST AUTHORIZATION TO ADVERTISE BUDGET

Township Manager Ron Youtz stated the Board held a budget workshop on Monday, November 2, 2015 at 2:00 p.m. Mr. Youtz presented a balanced 2016 all funds budget of \$7,005,639.00 with General Fund budget at \$5,359,456.00. The real estate tax rate will remain the same at 1.34 mills. He mentioned the 2016 budget has to be advertised and available for public inspection. He is requesting the Board to authorize the advertisement.

**Motion:** Frank Burkhart moved, seconded by Kent Gardner, to advertise the 2016 all funds budget for public inspection and for Board to take action at its December 1, 2015 meeting. Motion carried, 5-0.

C. REQUEST AUTHORIZATION TO ADVERTISE ORDINANCE TO ESTABLISH TRAFFIC REGULATIONS IN EAGLES VIEW DEVELOPMENT

Township Manager Ron Youtz presented to the Board a copy of the proposed ordinance to establish traffic regulations on the streets within the Eagles View Development. He is requesting authorization from the Board to advertise the proposed ordinance.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to authorize the Township Manager to advertise the proposed ordinance which will establish traffic regulations on the streets within Eagles View Development. Motion carried, 5-0.

D. REQUEST AUTHORIZATION TO ADVERTISE ORDINANCE FOR FRANCHISE AGREEMENT WITH COMCAST CABLE

Township Manager Ron Youtz explained to the Board that the proposed franchise agreement with Comcast Cable has some legal language changes, but the terms and conditions as the current ordinance states have not change. Mr. Youtz is asking the Board for authorization to advertise the proposed ordinance for adoption at the December 1, 2015 Board meeting.

Kent Gardner stated the LIMC has negotiated the same ordinance on the behalf of several townships. He asked if the Township would consider going through the LIMC for the next renewal. Mr. Youtz stated that he would explore the Township's costs savings if it were to co-op with LIMC when the next agreement is up for renewal.

**Motion:** Frank Burkhart moved, seconded by Kent Gardner, to authorize the Township Manager to advertise the proposed Comcast Cable Ordinance as presented. Motion carried, 5-0.

VII. ORDINANCES AND RESOLUTIONS

A. RESOLUTION 4-15 ADOPTION OF A FINAL SECTION OF EAGLES VIEW

Township Manager Ron Youtz informed the Board that Resolution #4-15 has been prepared and is ready for adoption. He informed the Board that the Resolution accepts Eagles View as a Township Road.

**Motion:** Frank Burkhart moved, seconded by Kent Gardner, to adopt Resolution 4-15, accepting and allowing 434.24 feet of Eagles View beginning at the Phase 1B Phase Line and ending at the Phase 3 Phase Line as part of the public road system of West Hempfield Township. Motion carried, 5-0.

VIII. APPROVAL OF PAYABLES

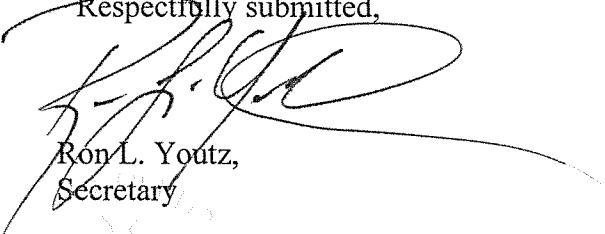
**Motion:** Kent Gardner moved, seconded by Edward Fisher, to approve payment of all bills between October 1 through October 31, 2015 and any residuals. Motion carried, 5-0.

Payroll/Taxes.....	\$280,333.10	Electronic Payment
General Fund.....	\$924,872.29	Checks 26819 - 26963
Sewer Fund.....	\$ 24,269.50	Checks 3720 - 3721
Refuse Fund.....	\$ 76,706.94	Checks 2315 - 2328
Street Light.....	\$ 4,442.36	Checks 392
Fire Hydrant.....	\$ 25,544.05	Checks 206
Escrow Fund.....	\$ 7,279.30	Checks 149 - 150
State Fund.....	\$ 18,414.43	Checks 3021 - 3032

IX. ADJOURNMENT

**Motion:** Chairman David Dumeyer called for a motion to adjourn into Executive Session to discuss a personnel issue. Edward Fisher moved, seconded by Frank Burkhart, to adjourn the meeting at 8:30 p.m. and to go into Executive Session to discuss a personnel issue. Motion carried, 5-0.

Respectfully submitted,



Ron L. Youtz,  
Secretary

