

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of March 1, 2016

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, March 1, 2016. Chairman David Dumeyer and Board members Frank Burkhart, Edward Fisher, Kent Gardner and Naomi Martin were present. Also in attendance were: Township Manager Ron Youtz, Chief of Police Mark Pugliese I, Public Works Director Dale Getz, 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 led with the Pledge of Allegiance. He also announced that following this meeting, the Board will convene into Executive Session to discuss a personnel issue.

II. APPROVAL OF MINUTES: February 2, 2016

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the Board's February 2, 2016 meeting minutes as presented. Motion carried, 5-0.

III. COMMUNICATIONS

A. BOARD OF SUPERVISORS – No report

B. RECOGNITION OF FIRST RESPONDERS

Chairman David Dumeyer announced that tonight it is the pleasure of the Board to deviate from the regular agenda to assist the Susquehanna Valley Emergency Medical Services in recognizing several first responders for their life saving actions on Thanksgiving Day, 2015.

Mr. Dumeyer stated on November 26, 2015 at approximately 11:52 am, emergency services were dispatched to the Columbia Fish and Game Club's building on Fairview Road for a victim of an accidental shooting. Police Officer James Gardill was the first to arrive and found the 35 year old victim lying on the ground with another subject applying direct pressure to a leg wound. Officer Gardill took over administering first aid and had the subject respond to open the security gate to let other first responders in. When Officer Villano arrived, he assisted EMS personnel with the gurney and other equipment.

Susquehanna Valley EMS Paramedics Scott Briggs and Emergency Medical Technician Cierra Carr arrived on scene as well as EMTs Nathan Cramer and EMT student Brendan Gardill from the Columbia QRS 8 (Quick Response Service). The victim was stabilized and transported to Lancaster General Hospital where he underwent surgery. The victim survived and was later discharged.

Chairman Dumeyer turned the recognition over to Michael Fitzgibbons, President and CEO of Susquehanna Valley Emergency Medical Services.

Mr. Fitzgibbons called Bruce Williams, the victim, to hand out the awards. Mr. Fitzgibbons said this is a blessing because first responders normally do not see what happens to the victims after they help them.

Mr. Fitzgibbons recognized from Columbia QRS: EMT Student Devin Gardill (father is Officer James Gardill) and EMT Nathan Cramer; from West Hempfield Police: Officer James Gardill (son is Devin Gardill) and Officer Alfonso Villano, and from Susquehanna Valley EMS: Paramedic Scott Briggs and EMT Cierra Carr.

Chairman David Dumeyer stated the Life Saving Award is awarded to an officer whose actions that, if not performed, would, beyond a reasonable doubt, have resulted in the death of a person or persons. For their actions on November 26, 2015, Officer James Gardill and Officer Villano were awarded the West Hempfield Police Department's Life Saving Award. Both officers were presented with a certificate and commendation bar.

Following the presentation, the recognized participants were allowed to introduce their family and friends who were present.

Chairman David Dumeyer introduced Treasurer Keith Keiser, Trustee Neil Herr and President Sam Weigard from the Columbia Fish and Game Club. Mr. Weigard stated that the Board members of the Club wanted to express their appreciation to all who attended the call for their life saving actions on that date.

Mr. Bruce Williams thanked everyone who was involved on that day and said if it were not for them, he would not have survived.

C. POLICE DEPARTMENT PROMOTION

Chairman David Dumeyer stated for the record that following the regular Board Meeting on February 2, 2016, the Board of Supervisors met in executive session and discussed two personnel issues:

1. In the first matter, the Board discussed the promotion of a police officer to the rank of Corporal to fill a current vacancy. Seven officers were considered for the promotion and the Board agreed with the recommendation of Chief Mark Pugliese.

Chairman Dumeyer stated Officer Ryan Draper has been a member of the West Hempfield Police Department since January 7, 2002. Prior to joining the Department, he was an officer with the Columbia Borough Police Department for two years, giving him over sixteen years of total law enforcement experience.

Officer Draper has served the Department in many facets including bicycle officer, Accident Reconstructionist, Crisis Intervention Team officer, and DATA Master coordinator to name a few. Officer Draper serves as a Department inspector for computer software programs for the entering and issuing of traffic citations, and completing accident reports online. Additionally, for the past several years he has been assisting in teaching new Accident Reconstructionist formal classroom material and is a certified Project Lifesaver Instructor. In 2015 he was named as a platoon designated Officer in Charge (OIC).

Chairman Dumeyer announced that effective immediately, Officer Ryan Draper is hereby promoted to the rank of Corporal and will assume duties as a patrol supervisor within the Police Department. Chairman Dumeyer and Chief Pugliese presented Corporal Draper with his badge and corporal stripes.

Corporal Draper introduced his family and friends in attendance for his promotion.

2. Chairman David Dumeyer announced that the second personnel matter discussed was the recommendation of our Fire Chief, Jason Sauder, to promote Charles Clark to the position of Fire Police Captain for the West Hempfield Fire and Rescue Company. There were no objections and the Board concurred with Chief Sauder's recommendation and authorized Chief Sauder to promote Officer Clark to the rank of Captain.

D. TOWNSHIP MANAGER – No report

E. RESIDENTS – No resident participation

1. Jason Sauder, Fire Chief of West Hempfield Fire and Rescue, presented the Board with a copy of the January 2016 Fire Company Report. Chief Sauder stated there were 58 calls for the month which consisted of: 16 vehicle accidents, 6 automatic alarms, 3 buildings, 6 dwellings, 7 medical assists, 5 brush, 1 CO alarm and 13 investigations. He noted there were no reportable injuries recorded for the month of January.

IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

A. TIM AND MEAGAN NOLT – 4190 NOLT ROAD – FINAL SUBDIVISION PLAN

Tim Nolt introduced his father, Larry Nolt. Tim Nolt explained to the Board that Larry and his sister own the 71.636 acres parent tract and are subdividing a 1.5 acre parcel for him and his wife Meagan to construct their single family residential dwelling.

David Dumeyer asked where preservation would start, if any, in this area. Frank

Burkhart stated the he believes preservation might start at Silver Spring Road, which he thinks would be the Connelly farm. Chairman Dumeyer wanted to know if the residual land is located in preservation or not. He wants to make sure on how the Board will address the waivers: either defer them at a later date or waive them outright referencing the waiver for constructing the area roads and the construction of the curbs and sidewalks. Tim Nolt stated that the land is not currently in preservation but his father is considering preservation for the rest of his land at a later date.

Naomi Martin asked if they would preserve the land later, what would happen to the waivers that are being requested. Edward Fisher stated it would nullify the waivers.

Edward Fisher stated there are a number of waivers being requested. Mr. Nolt said the waivers are referred to in Rettew Associates review letter dated February 17, 2016.

Waivers Requested:

1. Section 602.K.5 – Dedication of Additional Right-of-Way. Mr. Nolt stated they will be providing the twenty-five foot right-of-way along the proposed lot, and provide right-of-way along the property lines at the intersections of Nolt Road and Montezuma Drive and at the intersection of Montezuma Drive and Meadow Spring Road.

Edward Fisher wanted to verify that the additional right-of-way will be along the property line of the proposed lot only and not run the entire length of the roads involved. Mr. Nolt agreed.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the deferment of waiver to Section 602.K.5 – Dedicating of Additional Right-of-Way, until Township would deem necessary and require at a future date and based on the alternative provided. Motion carried, 5-0.

2. Section 602.K.6 – Improvement of Existing Streets. Mr. Nolt stated they are requesting this waiver as their subdivision is minor in nature and does not impact the entire length of Nolt Road, Montezuma Drive and Meadow Spring Roads.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the deferment of waiver to Section 602.K.6 – Improvement of Existing Streets, until the Township would deem necessary and require at a future date. Motion carried, 5-0.

3. Section 602.M Curbing – Mr. Nolt stated there is no curbing in the area at this time.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the

deferment of waiver to Section 602.M – Curbing, until the Township would deem necessary and require at a future date. Motion carried, 5-0.

4. Section 602.N – Sidewalks – Mr. Nolt stated there are no sidewalks in the area at this time.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the deferment of waiver to Section 602.N – Sidewalks, until the Township would deem necessary and require at a future date. Motion carried, 5-0.

Plan Approval:

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the 4190 Nolt Road Final Subdivision Plan pending that the conditions and all requirements are met to the satisfaction of Township staff. Motion carried, 5-0.

B. RUTTER’S FARM STORE – 3849 HEMPLAND ROAD – REQUEST FOR TIME EXTENSION

Eric Thomas of LC Design explained to the Board he has been working with PennDOT to get the road permits necessary for the project. He said they have received conditional approval from PennDOT, but would not meet the current time extension of March 5, 2016. Mr. Thomas says the owners of Rutter’s Farm Store are requesting an additional three month time extension on their Conditional Plan approval which will expire on June 5, 2016.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve the request for a time extension on the Conditional Plan approval for Rutter’s Farm Store until June 5, 2016. Motion carried, 5-0.

V. OLD BUSINESS

A. BUILDING COMMITTEE UPDATE

1. CONSIDER ACTION ON AGREEMENTS WITH WEST HEMPFIELD FIRE AND RESCUE

Ron Youtz, Township Manager, informed the Board there are two separate agreements between the West Hempfield Fire and Rescue and the Township for the building of the new Municipal Services Complex.

Mr. Youtz explained the first agreement with West Hempfield Fire and Rescue provides the terms as to how the land transfer to the Township and the final plan recorded by the West Hempfield Fire and Rescue will become void. It also outlines the financial security of approximately \$240,000.00 the Township has

been holding, to be released to the West Hempfield Fire and Rescue. Mr. Youtz is recommending the Board approve the agreement.

Mr. Youtz indicated the second agreement outlining the existing land development plan of the West Hempfield Fire and Rescue that is currently recorded at the Lancaster County Courthouse would become extinguished. However, the current subdivision plan created and recorded by the West Hempfield Fire and Rescue for the five-acre tract would remain. Additionally this agreement also accepts the Fire Company's contribution of \$940,000.00 to be used in the construction of the project.

Motion: Frank Burkhart moved, seconded by Edward Fisher, to approve the Agreement that outlines the land transfer from West Hempfield Fire and Rescue to the Township, and also authorize the Township to release the financial security in the estimated amount of \$240,000.00 to West Hempfield Fire and Rescue. Motion carried, 5-0.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Agreement that outlines the current recording of the West Hempfield Fire and Rescue land development will become extinguished, and to accept the \$940,000.00 contribution from West Hempfield Fire and Rescue to be used toward the project. Motion carried, 5-0.

Edward Fisher stated that passing the two agreements means the project is moving forward.

2. CONSIDER CONTRACT FOR ARCHITECTURAL SERVICES WITH BUCHART-HORN – Defer action until March 24, 2016 Special Meeting.
3. CONSIDER CONTRACT FOR SITE ENGINEERING SERVICES WITH DAVID MILLER ASSOCIATES – Defer action until March 24, 2016 Special Meeting.

Chairman David Dumeyer explained that the Township Solicitor has not had ample time to review agenda item 2. Architectural Contract and agenda item 3. Site Engineering Contract. Chairman Dumeyer asked when the contracts would be available for adoption. Township Manager Ron Youtz stated he had discussed this with the Township Solicitor and she feels she should have both contracts ready for action for the Board by the Special Meeting scheduled for Thursday, March 24, 2016.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to address the Architectural and Site Engineering Contracts at the March 24, 2016 Special Meeting. Motion carried, 5-0.

B. DISCUSSION AND UPDATE ON MS-4

Township Manager Ron Youtz informed the Board that the Township is continuing to work on its obligations to acquire a new MS-4 permit. He wanted to remind the Board members that one requirement is to hold a public meeting to discuss the Township's progress on updating the MS4. He told the Board the public meeting regarding the MS-4 permit has been advertised for the Board's April 5, 2016 meeting.

C. COMPREHENSIVE PLAN UPDATE

Ron Youtz, Township Manager, felt that the joint meeting between the Board and Planning Commission members on February 15, 2016 was a good informative meeting. He mentioned goals and objectives were discussed in regard to updating the Comprehensive Plan, recognizing there may be text amendments to the Zoning Ordinance, updating the Zoning map and updating the SALDO. It was also discussed the need to consider regulations for historic properties.

Mr. Youtz said both the Board and Planning Commission members agreed to hold another joint meeting on Thursday, March 24, 2016 at 7:00 pm to discuss undeveloped properties and under-utilized land.

Kent Gardner mentioned that he would obtain enough copies of the Growing Together Comprehensive plan from LIMC.

VI. NEW BUSINESS

A. AMENDMENT TO ACT 537 SEWAGE FACILITIES PLAN

Mr. Youtz informed the Board that the Township has an obligation to provide sewer service to what is known as the Raintree Road area. He stated there has been continued discussion with Lancaster Area Sewer Authority officials. Mr. Youtz introduced Mike Kyle of LASA and Heath Edelman of Entech Engineering. LASA had engaged Entech to do the design work for this project, and in doing so Entech discovered that an amendment to the Act 537 plan must be filed.

Mr. Edelman informed the Board that there are two primary reasons for filing the amendment:

1. The selected alternative has been revised since its original adoption in 2006. The disposal of sewage from the Raintree Road at LASA's treatment facility will be the same. However, the proposed collection system has changed from a gravity system with a community pumping station to a low-pressure sanitary sewer system (LPSS) with individual grinder pump units for each

customer/parcel. When the project is completed it will serve approximately 44 parcels with approximately 52 equivalent dwelling units (EDU's). The sewer collection will terminate at the Bridge Valley Development at an existing gravity collection system operated by LASA. The amended plan is much simpler than the original 2006 plan. The Township needs to advertise the plan amendment for 30 days and have a public meeting. The plan will then be submitted to DEP for review.

2. The area to be serviced has increased to accommodate adjacent parcels that previously could not be served due to technical issues or cost prohibitions. However, this is no longer an issue due to the switch to the LPSS alternative.

Edward Fisher asked if the sewer main would be on one side of the road and everyone will have to do a cross or would there be sections to have people connect to and then have one road crossing. Mr. Edelman stated the low pressure 2 inch main will run on the south side of Marietta Avenue because the Columbia Water Company line runs on the north side of Marietta Avenue. After some discussion, it was determined that the new sewer main is within the PennDOT right-of-way on Marietta Avenue.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the advertisement of the Act 537 Sewage Facilities Plan amendment for a 30 day public comment period. Motion carried, 5-0.

B. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT TO ADOPT FLOODPLAIN REGULATIONS

Chairman David Dumeyer stated the proceedings tonight are for a public hearing on a proposal to amend the West Hempfield Township Zoning Ordinance of 1988, Article 600-FP Floodplain District, to adopt the Federal Insurance Rate Map of Lancaster County dated April 5, 2016, and revise and restate such Section to comply with the Federal Emergency Management Agency regulations for the National Flood Insurance Program. Chairman Dumeyer also read the procedures and the rules of conduct for holding a public hearing.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to adopt the rules of conduct and the procedures to be following when conducting the public hearing. Motion carried, 5-0.

Chairman Dumeyer called upon Zoning Officer Jodi Heffner to present the Township's Exhibits:

Township Exhibit 1 – Pursuant to the posting requirements of the Sunshine Law,

the notice of the Public Hearing was posted at the West Hempfield Township Municipal Building, 3401 Marietta Avenue, Lancaster PA on February 16, 2016 and has been continuously posted since that date.

Township Exhibit 2 – A copy of the proof of publication for the Public Hearing which was advertised in the Lancaster Newspaper on Tuesday, February 16, 2016 and Tuesday, February 23, 2016.

Township Exhibit 3 –The minutes of the January 21, 2016 meeting of the West Hempfield Township Planning Commission. The Planning Commission recommended approval of the proposed amendments to the Zoning Ordinance.

Township Exhibit 4 – A copy of a letter verifying the action of the Lancaster County Planning Commission on the proposed amendment. The County Planning Commission recommended approval of the proposed amendments to the Zoning Ordinance.

Chairman David Dumeyer stated the Board will accept the four Township Exhibits that were read into the record.

Township Manager Ron Youtz informed the board that the Township Solicitor has been working with DCED regarding the new FEMA regulations at the state level. The Township did not have a lot of options and the model ordinance given to the Township allowed for minor adjustments, and the contents were established by FEMA and are being reinforced by DCED. This is the proposed ordinance to be acted on.

Chairman Dumeyer asked if anyone in the audience wishing to be heard on the proposed amendment to state their name and address. There were no public comments received.

Frank Burkhart understands it is the FEMA floodplain maps, but he wants to know how does it relate to any specific profile of the 100 year or 500 year flood storms, and how and where was it reached to get to this. He asked because of an issue he was involved on, where the property showed the chicken coop as being in the flood zone, but the water has never reached that area.

Ron Youtz, Township Manager, stated there were not many changes made, and the flood maps were to be adopted by April 1, 2016. He mentioned the current ordinance limits what can be done in those areas.

Edward Fisher stated they have not updated their hydrology and a lot of it is has been wrong for decades. They have updated the maps where now you can see homes and structures. He said what this ordinance does is spell out exactly what steps are necessary if the question would arise for constructing a structure in the

flood prone districts, even though our Township does not allow construction in the flood zones.

Kent Gardner recommended that something be placed in the Township Newsletter.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to close the Public Hearing at 8:40 pm. Motion carried, 5-0.

C. ZONING VIOLATION – 332 INDIAN HEAD ROAD – REQUESTING AUTHORIZATION FOR ENFORCEMENT

Jodi Heffner, Zoning Officer, explained to the Board that the subject property is being used for the parking and/or storage of vehicles and equipment including, but not limited to, a truck with the name “Diamond Landscaping,” trailers, skid loader, snow plow, snow blower, etc. This use is not permitted within the Rural Agricultural District.

Township Manager Ron Youtz explained to the Board the Zoning Hearing Board in its Decision of Case No. 1143 informed the landowners that the operation of a lawn care business on the subject property was not a permitted use and the Zoning Hearing Board denied their application for a special exception or variance.

Motion: Kent Gardner moved, seconded by Edward Fisher, to authorize enforcement action on the property located at 332 Indian Head Road caused by violating the Township Zoning Ordinance for a use not permitted in the Rural Agricultural District. Motion carried, 5-0.

D. AUTHORIZE SOLICITOR TO ENTER COMPLAINTS ON OUTSTANDING OLDS COMPLIANCE PROPERTIES

Township Manager Ron Youtz informed the Board there are eighteen properties within the OLDS program that have not complied with the regulation of having their septic system pumped and inspected by a certified hauler. Mr. Youtz is requesting authorization from the Board to forward the names of the eighteen properties to the Township Solicitor for enforcement action.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to authorize the Township Manager to forward the eighteen properties for non-compliance of their disposal systems to the Township Solicitor for enforcement action. Motion carried, 5-0.

VII. ORDINANCE AND RESOLUTIONS

A. ORDINANCE 1-16, ZONING AMENDMENT TO ADOPT NEW FLOODPLAIN

REGULATIONS

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve Ordinance 1-16 adopting new floodplain management regulations. Motion carried, 5-0.

B. RESOLUTION 3-16, TO ENTER INTO AGREEMENT WITH THE LANCASTER AREA SEWER AUTHORITY FOR AN EXTENSION FOR PUBLIC SEWERS

Ron Youtz, Township Manager, informed the Board that the agreement is to partner with LASA for the extension of public sewers to the Raintree Road Area Project.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to adopt Resolution 3-16 to partner with LASA to provide public sewer to the Raintree Road Area Project. Motion carried, 5-0.

VIII. APPROVAL OF PAYABLES

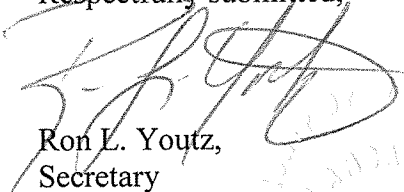
Payroll/Taxes.....	\$222,038.18	Electronic Payment
General Fund.....	\$219,935.02	Checks 27239 - 27391
Sewer Fund.....	\$ 0	Checks
Refuse Fund.....	\$ 22,242.37	Checks 2354 - 2362
Street Light.....	\$ 0	Checks
Fire Hydrant.....	\$ 87.82	Checks 209 - 210
Escrow Fund.....	\$ 0	Checks 0
State Fund.....	\$ 30,002.57	Checks 3048 - 3053

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve payment of all bills between February 1 through February 29, 2016 and any residuals. Motion carried, 5-0.

IV. ADJOURNMENT TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL ISSUE

Motion: Chairman David Dumeyer called for motion to adjourn into Executive Session to discuss a personnel issue. Kent Gardner moved, seconded by Frank Burkhart, to adjourn the regular meeting at 8:50 p.m., and to go into Executive Session to discuss a personnel issue. Motion carried, 5-0.

Respectfully submitted,


Ron L. Youtz,
Secretary

