

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of May 3, 2016

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, May 3, 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, 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: March 1, 2016

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Board's April 5, 2016 meeting minutes as presented. Motion carried, 5-0.

III. COMMUNICATIONS

A. BOARD OF SUPERVISORS

1. Kent Gardner stated there is a stormwater problem in the Chatsworth Development. He said he has a solution which would be cost effective and would resolve the drainage issue by installing storm drains. He said since the repairs would be made on private property, this is a concern. The Board suggested that Mr. Gardner and Mr. Youtz discuss and research his suggestion and advise the Board of their recommendation.

2. Kent Gardner inquired about the status of hiring interns from Millersville University to help with the location and marking of storm drains and drainage areas, etc. as required by law. Mr. Youtz stated he was working on the job description, but was unable to complete it by this meeting.

B. PROCLAMATION RECOGNIZING NATIONAL POLICE WEEK

Chairman David Dumeyer read into the record the Proclamation recognizing National Police Week:

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the Law Enforcement Agency of West Hempfield Township

play an essential role in safeguarding the rights and freedoms of West Hempfield Township; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of West Hempfield Township unceasingly provide a vital public service;

NOW, THEREFORE, as Chairman of the Board of Supervisors of West Hempfield Township, I call upon all citizens of West Hempfield Township and upon all patriotic, civic and educational organizations to observe the week of May 15 – 21, 2016, as Police Week with appropriate ceremonies and observances in which all our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of West Hempfield Township to observe Sunday, May 15, 2016 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS THEREOF, I have set my hand and placed the Seal of the Township of West Hempfield on this 3rd day of May, 2016.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to adopt the Proclamation as read into the record. Motion carried, 5-0.

C. PRESENTATION OF COMMENDATIONS TO POLICE DEPARTMENT

David Dumeyer announced that each year the West Hempfield Township Board of Supervisors recognizes members of our Police Department and/or citizens in our community for actions they have taken during the previous year that are believed to have been above what is expected of them and in some instances, have helped save or prolong a life of another individual. Tonight we have five awards recognizing one citizen who has spent several years assisting our Police Department at a community event and four separate officers, all from the West Hempfield Township Police Department.

Chairman Dumeyer announced that at the Board's March meeting, we assisted Susquehanna Valley Emergency Medical Services with recognizing Officer Alfonso

Villano and Officer James Gardill along with several first responders with the Life Saving Award for actions they took on Thanksgiving Day 2015, rendering first aid to a subject who had accidentally shot himself.

Chairman Dumeyer also wanted to make everyone aware of the nine officers who were involved in saving the lives of four individuals who overdosed on drugs and had to have naloxone administered. All individuals survived because of the officers' quick actions as well as the fact that the officers were in possession of naloxone. The officers involved were: Sgt. Jeff Mullin, Sgt. Timothy Coyle, Cpl. Doug Ober, Officers John Schwab, Brian Stutzman, Bart Hollis, Richard Bowermaster and Robert Bradfield. The Board members congratulated these officers.

CERTIFICATE OF APPRECIATION: Chairman Dumeyer announced this certificate is awarded to citizens who distinguish themselves through the accomplishment of an extraordinary act or service to the Department or the community. This certificate is presented to Ms. Erin Hollis.

Ms. Hollis has assisted in the National Night Out event for the West Hempfield and Mountville Police Departments for the past five years, doing whatever is asked of her including manning the Police Department's booth at times, helping set up for the event and tearing down along with a multitude of other tasks. Ms. Hollis is a freshman nursing student at Harrisburg Area Community College and is the daughter of Officer Bart and Terry Hollis.

PERFECT ATTENDANCE AWARD: Chairman Dumeyer announced this award is given to an officer who takes no time off during a specific calendar year for illness and reports for his scheduled shift on time and prepared for duty. This award is presented to Officer John Schwab who in 2015 had perfect attendance. This is the third consecutive year that Officer Schwab has been recognized for his perfect attendance.

LIFE SAVING AWARD: Chairman Dumeyer announced this award is given to an officer whose actions that, if not performed, would, beyond a reasonable doubt, have resulted in the death of a person or persons. This award is presented to Officer Bart Hollis and Officer Karl Hartranft.

On September 1, 2015, Officers Hollis and Hartranft encountered a subject sitting on the top rail of the Route 30 bridge facing the water. The male subject was despondent, however, after approximately thirty minutes, Officers Hollis and Hartranft were able to convince the subject to come down off the railing. The subject was transported to Lancaster General Hospital for evaluation.

MEDAL OF VALOR: Chairman Dumeyer announced this award is given to an officer for exceptional bravery at imminent risk of serious bodily injury. The recipient demonstrates exceptional courage while involved in the apprehension of an armed and dangerous adversary who, if allowed to remain at large, would pose a danger to the community,

himself, or the officer. This award is presented to Officer Karl Hartranft.

On November 10, 2015 Officer Hartranft encountered a subject holding a knife to his own throat in what was supposed to be an empty apartment. Officer Hartranft immediately called for assistance. Officer Hartranft assessed the situation and knew the subject was going to harm himself. Officer Hartranft kicked the knife out of the subject's hand but the subject regained control of the knife and started stabbing himself. Officer Hartranft tased the subject, forcing him to release the knife and then handcuffed the subject. Officer Hartranft immediately started first aid and was able to keep the victim from bleeding out before emergency medical services arrived.

Chairman Dumeyer stated this is the second time in the Police Department's history that the Medal of Valor has been presented.

OFFICER OF THE YEAR: Chairman Dumeyer announced that this award is given to the officer who distinguished him/herself through either an accumulation of exceptional contributions or a single incident, and whose actions clearly place the individual well above others of equal rank or grade. This award is presented to Corporal Douglas Ober.

In 2014 and 2015 Cpl. Ober was temporarily assigned to the Criminal Investigation Division for several months at a time to assist in investigating a series of crimes, mainly burglaries and thefts from vehicles. He conducted numerous investigations and cleared several cases by arrests. Cpl. Ober did what was asked of him for the betterment of the Department even though it meant several temporary assignments and multiple shift changes with little or no notice. Cpl. Ober is a strong supervisor who continues to evaluate the needs of the Department and has strong working relationships with other police departments throughout the County.

Chairman Dumeyer announced that Mayor Philip Kresge and Councilman Francis Zimmer representing Mountville Borough were present this evening. Mayor Kresge thanked the officers of the Township's Police Department for the services they provide for Mountville Borough, and is delighted with the success of contracting with the West Hempfield Police Department over the past five years.

D. TOWNSHIP MANAGER – No report.

E. RESIDENTS – No resident participation.

IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

A. JOHN FORRY – 1510 SILVER SPRING ROAD – SUBDIVISION PLAN BRIEFING

Jodi Heffner, Zoning Officer, informed the Board that the applicant is proposing to subdivide the 15.7 acre parent tract into two agricultural lots. She said the applicant appeared before the Zoning Hearing Board on February 9, 2016 and was approved a

variance for a northern rectangular lot of eight acres and a southern L-shaped lot of 7.7 acres.

Frank Burkhart said that he was asked to dig probe holes on the property and he questioned why he would be asked to do this. Township Manager Ron Youtz stated that in the meetings he had with John Forry, Mr. Forry had no intentions of doing anything with the land at this time. Edward Fisher mentioned a non-building waiver has been asked. Ron Youtz stated the Mr. Forry was made aware that if he wants to build on either parcel, a land development plan would have to be prepared and approved by the Board.

Frank Burkhart asked how long the tests are good for. Edward Fisher said the results are good forever as long as the holes are not disturbed. He also said that if the test areas are not located on the plan, what good are they without the proper documentation.

B. DOLLAR GENERAL – SOUTH SIDE MARIETTA AVENUE – CONSIDER APPROVAL OF AGREEMENTS

Ron Youtz, Township Manager, explained to the Board that they were provided with copies of four separate agreements pertaining to Dollar General. At the September 1, 2015 Board meeting, conditional approval of the Dollar General Subdivision/Land Development plan was granted, pending approval of four agreements. He mentioned that these agreements must be recorded before the final subdivision/land development plan is recorded. Mr. Youtz is recommending the Board take individual action on each agreement.

Attorney Sean Delany of Reed Smith LLP, representing Dollar General, informed the Board that he has worked with Josele Cleary, Township Solicitor, and they have agreed to release the plan and the agreements to Dollar General's title company, Fidelity National Title Insurance Company, for recording. He said that each item has a set schedule of recording: 1. Preliminary/Final Subdivision and Land Development Plan; 2. Deed unto Lancaster (Silver Spring) DDP, LLC; 3. Stormwater Management Agreement and Declaration of Easement; 4. Agreement Providing for Grant of Pedestrian Easement; 5. Road Improvement Agreement; 6. Development Agreement, and 7. Any mortgages or other documents relating to the plan.

1. STORMWATER MANAGEMENT AGREEMENT WITH DECLARATION OF EASEMENT

Ron Youtz, Township Manager, informed the Board that the Stormwater Management Agreement describes the ownership and maintenance responsibilities for the facility which will be installed on the premises. This agreement is assigned to the property and in the event of any change in ownership, the maintenance responsibilities will be imposed on the new owner.

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

Management Agreement with Declaration of Easement for the Dollar General Final Subdivision/Land Development Plan. Motion carried, 5-0.

2. DEVELOPMENT AGREEMENT

Township Manager Ron Youtz explained this agreement outlines the construction of the facility, installing the stormwater facility and other public land improvements according to the approved Subdivision/Land Development Plan.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve the Development Agreement for Dollar General Final Subdivision/Land Development Plan. Motion carried, 5-0.

3. ROAD IMPROVEMENTS AGREEMENT

Township Manager Ron Youtz explained this agreement, in accordance with the Township's Subdivision/Land Development Ordinance, requires that persons developing land to make certain improvements to the abutting street which includes road widening and the installation of curbs and sidewalks. He said the Board granted a deferral to making improvements to Marietta Avenue until the Township or PennDOT would require those improvements to be made.

Motion: Kent Gardner moved, seconded by Edward Fisher, to approve the Road Improvements Agreement for the Dollar General Final Subdivision/Land Development Plan. Motion carried, 5-0.

4. AGREEMENT PROVIDING FOR GRANT OF PEDESTRIAN EASEMENT

Township Manager Ron Youtz explained this agreement is a condition on approval of the Plan. The Grantor is required to provide a pedestrian easement and construct a sidewalk to be dedicated to the Township. The easement is to be used by the public for walking, running, biking, hiking and similar pedestrian uses. The Grantor, its successors and assigns, shall maintain the Pedestrian Easement.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve the Agreement Providing for Grant of Pedestrian Easement for the Dollar General's Final Subdivision/Land Development Plan. Motion carried, 5-0.

C. GREG BECHTOLD – 1058 PROSPECT ROAD – LOT ADD-ON PLAN

Brian Cooley of D.C. Gohn Associates was present to represent the Plan of Greg Bechtold. He informed the Board that the applicant is subdividing three half-acre lots from parent tract Lot 4 and adding ½ acre to Lot 1, Lot 2 and Lot 3 which will increase the lot size for these three lots. He mentioned that the three lots which will add land are all owned by family members and this subdivision action will settle the Estate.

WAIVER

Section 404.A.1 – Plan Scale. The applicant alternative will provide a plan scale of one inch (1”) equals sixty feet (60’).

Motion: Kent Gardner moved, seconded by Edward Fisher, to approve the waiver to Section 404.A.1 – Plan Scale with the alternate scale provided. Motion carried, 5-0.

PLAN APPROVAL

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Greg Bechtold Subdivision Plan, pending all comments are complied with to the satisfaction of the Township Engineer and Staff. Motion carried, 5-0.

D. TIM & MEAGAN NOLT – 4190 NOLT ROAD – REQUEST FOR TIME EXTENSION

Owner Tim Nolt informed the Board that they are waiting on the PA Department of Environmental Protection’s approval of their sewage module. Due to the length of time needed for DEP approval, he felt that a 90 day time extension would cover the wait time.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the request for a 90 day time extension for the Tim and Meagan Nolt Subdivision Plan sewage module to expire on August 2, 2016. Motion carried, 5-0.

E. McCARTHY TIRE EXPANSION – NOTICE OF WITHDRAWAL OF LAND DEVELOPMENT PLAN

Township Manager Ron Youtz informed the Board that at the April 2016 meeting, it was brought to their attention that McCarthy Tire was withdrawing its land development plan. Mr. Youtz stated he has received the formal notice to withdraw the plan. No action required.

V. OLD BUSINESS

A. BUILDING COMMITTEE UPDATE

Township Manager Ron Youtz updated the Board on the Committee’s work to date. Various meetings have been held with Fire Department, Administrative and Police personnel to review the proposed architectural plan for each department and to recommend and discuss any changes that could impact each department. It appears the proposed plan is workable with all three entities. The architects are hoping to have a plan with all the suggested changes to the Board for the June meeting for review and comments.

Mr. Youtz announced that he has been in contact with three bond counsel firms to solicit quotes from each in order for the Board to retain their services in obtaining the loan for the construction of the new facility. Kent Gardner stated there is the possibility of obtaining a

mini grant from either the Clean Water Consortium or the Chiques Creek Watershed to help offset the cost for stormwater management. His suggestion was to place a rain garden on the property or some type of educational area.

B. COMPREHENSIVE PLAN UPDATE

Ron Youtz, Township Manager, reported on the joint meeting between the Board and Planning Commission members held on April 27, 2016. Most of the discussion at the meeting was centered on creating a vision statement and a list of goals and objectives for the Township's Comprehensive Plan. The group also discussed ways to engage residents in this process. Some ideas suggested were doing a mailing, creating a page on the Township website to express comments, or answering a survey. Alice Yoder and Mr. Youtz will coordinate with Lancaster County Planning Commission to arrange a conference call to obtain feedback for the Township. Mr. Youtz stated the group is scheduled to meet again on Thursday, May 19, 2016.

VI. NEW BUSINESS

A. YOUNG MEDALISTS CYCLING TEAM – REQUEST TO USE TOWNSHIP ROADS FOR BIKE RACE

Marge Do, Young Medalists Race Promoter, informed the Board that the group is looking to hold the event in the Township and is asking to create a temporary "one-way" traffic zone on Nolt Road, Montezuma Drive, Meadow Spring Road and Silver Spring Road. There will be road marshals at each intersection to direct traffic. The cyclists will only make right hand turns to alleviate crossover on roads. Ms. Do stated she will notify Mr. Youtz of the actual race date – either Saturday, August 13 or Sunday, August 14. Ms. Do also thanked Mr. Youtz and Chief Pugliese for the assistance they have given her to make this event possible.

Edward Fisher asked how long the event is and when will the cyclists begin. Ms. Do stated the cyclists will start registration at 6:30 a.m. and the race will start at 8:00 a.m. and will run to about 2 to 3 p.m. The cyclists range in age from 9 to 18.

Frank Burkhart asked if the course will be swept for stones and horse manure. Ms. Do stated yes, the group does a trial run the night before to check and sweep the roads as necessary.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to approve the request made by the Young Medalists Cycling Team to use the Township's roads for its annual bike race scheduled for August 13 or 14, 2016 from 8:00 a.m. to 3:00 p.m. Motion carried, 5-0.

B. HEMPFIELD AREA RECREATION COMMISSION – AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENT

Township Manager Ron Youtz explained to the Board that the amendments made to the Hempfield Area Recreation Commission in 2013 were never signed by all entities. When research was conducted by the municipalities involved, it was discovered there was no original agreement signed by all municipalities. Mr. Youtz stated that because the time period has elapsed for authorizing the amendments, it is recommended that each municipality take action at its Board meeting. If the agreement is approved, the new agreement will be circulated and signed by all. A signed copy will then be sent to all parties.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to approve the final agreement to allow the Township to continue its participation with the Hempfield Area Recreation Commission. Motion carried, 5-0.

VII. ORDINANCE AND RESOLUTIONS

A. RESOLUTION 5-16, AMENDMENT TO ACT 537 SEWAGE FACILITIES PLAN

Ron Youtz informed the Board that Resolution 5-16 confirms two things: that the public comment period has been properly advertised and we received no formal comments from the public, and that the Resolution allows for work to be done along Raintree Road.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve Resolution 5-16 adopting the amendment to the Township's Act 537 Sewage Facilities Plan which includes work on Raintree Road. Motion carried, 5-0.

C. RESOLUTION 6-16, DESIGNATING AGENT FOR SNOW DISASTER ASSISTANCE

Ron Youtz, Township Manager, informed the Board that he and Mrs. Baumbach attended a pre-snow disaster meeting held by the Pennsylvania Emergency Management Agency on Friday, April 15, 2016. At that meeting, there was discussion about the allowable charges that each entity can claim and file for reimbursement for the snow emergency that occurred Friday, January 22 through Sunday, January 24, 2016.

Mr. Youtz told the Board that he and Mrs. Baumbach will attend a consult with Federal Emergency Management Agency and PEMA representatives on Monday, May 23, 2016 at 1:00 p.m. to review the Township's claim in order to receive financial assistance for the expenses the Township incurred during the snow emergency.

Mr. Youtz explained that Resolution 6-16 will allow him to sign all documents and submit them to FEMA and PEMA to secure our financial reimbursement.

Motion: Kent Gardner moved, seconded by Edward Fisher, to adopt Resolution 6-16 to authorize Ron Youtz, Township Manager, to sign and submit all forms required by FEMA and PEMA to receive financial reimbursement for the costs incurred during the snow emergency. Motion carried, 5-0.

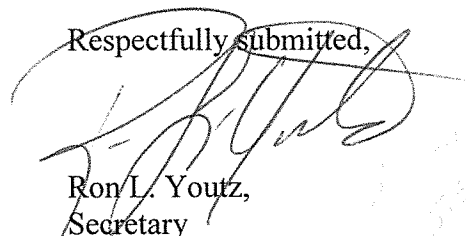
VIII. APPROVAL OF PAYABLES

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|--------------------|--------------|----------------------|
| Payroll/Taxes..... | \$273,004.39 | Electronic Payment |
| General Fund..... | \$467,145.77 | Checks 27495 - 27656 |
| Sewer Fund..... | \$ 5,779.30 | Checks 3727 & 3728 |
| Refuse Fund..... | \$ 76,730.60 | Checks 2374 - 2383 |
| Street Light..... | \$ 4,662.66 | Checks 397 - 399 |
| Fire Hydrant..... | \$ 0 | Checks |
| Escrow Fund..... | \$ 6,906.42 | Checks 157 - 159 |
| State Fund..... | \$ 7,436.26 | Checks 3060 - 3066 |

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve payment of all bills between April 1 through April 30, 2016 and any residuals. Motion carried, 5-0.

IX. 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 8:30 p.m., and to go into Executive Session to discuss a personnel issue. Motion carried, 5-0.

Respectfully submitted,

Ron L. Youtz,
Secretary

