

**WEST HEMPFIELD TOWNSHIP SUPERVISORS' MEETING**  
**Minutes of June 3, 2014**

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, June 3, 2014. 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 Recording Secretary Brenda Baumbach.

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: May 6, 2014

**Motion:** Frank Burkhart moved, seconded by Edward Fisher, to approve the Board's May 6, 2014 meeting minutes as presented. Motion carried, 5-0.

III. COMMUNICATIONS

A. BOARD OF SUPERVISORS

- i. Kent Gardner stated that the Chiques Watershed has scheduled a water expo for June 18<sup>th</sup>.

B. TOWNSHIP MANAGER

1. Ron Youtz stated that he would like to add to agenda under New Business, item D. Block Party Permit and also add to agenda under Ordinances and Resolutions, item B. Resolution 6-14.

C. RESIDENTS

1. Michael Steinmetz of 3636 Wildflower Lane expressed concern with the branches that are located in Falcon Ridge Park and he stated that there is a large branch that is up against the swings. He has seen children walking upon that branch and asked when those items would be removed. Dale Getz, Public Works Director informed Mr. Steinmetz that portion of the park is very wet and for the tree up against the swings, he stated he will address the issue tomorrow.
2. Ron Youtz, Township Manager announced that Assistant Fire Chief Barry Carter was unable to attend due to a conflict with his schedule.

IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES

A. WAYNE & LINDA GIBBLE – 267 PROSPECT RD – STORMWATER MANAGEMENT PLAN.

Michael Hartman of DH Enterprises explained to the Board that the plan consists of a single family dwelling; unfortunately the Gibbles got caught up with the recent adoption of the Storm Water Management Ordinance which meant that a storm water plan had to be prepared. He stated that he has been working with Ben Webber of Rettew Associates to complete the Storm Water Management Plan.

Ed Fisher questioned the collection area for the roof. Mr. Hartman stated that the water will be collected by roof drains and into the drainage area/infiltration pit.

Mr. Hartman stated that the Erosion and Sedimentation plan was submitted to Lancaster County Conservation District for review.

**Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the Wayne and Linda Gible Storm Water Management Plan with the condition that the applicant satisfies all outstanding comments and requirements to the satisfaction of the Township Engineer and Staff. Motion carried, 5-0.

**B. AMERIMAX HOME PRODUCTS – 450 RICHARDSON DRIVE – REQUEST FOR RELEASE OF FINANCIAL SECURITY.**

Jodi Heffner, Zoning Officer, informed the Board that a letter received from ELA Group dated May 21, 2014 stated that they are recommending the final release of Amerimax Home Products financial security in the amount of \$3,500.00 along with 3 conditions noted in letter from ELA.

**Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the release of Amerimax Home Products remaining financial security in the amount of \$3,500.00 with the conditions as outlined in the May 21, 2014 letter from ELA Group. Motion carried, 5-0.

**V. OLD BUSINESS**

**A. BUILDING COMMITTEE UPDATE**

Ron Youtz, Township Manager informed the Board that the Committee had met on May 8<sup>th</sup> and looked at previously presented plans for the fire company and on the May 22<sup>nd</sup> meeting looked at a concept plan to possibly pursue the option to have all three entities together under one complex. Mr. Youtz stated that the Committee toured the Rohrerstown Fire Department facility to see what the pros and cons were with their building.

The Committee also discussed the option to appoint additional members to the committee and after discussion, the Committee is recommending to the Board of Supervisors to appoint Dr. William Edkin, owner of the Hempfield Animal

Hospital at 3498 Marietta Avenue. Dr. Edkin is also a resident of West Hempfield Township.

**Motion:** Kent Gardner moved, seconded by Edward Fisher, to approve the appointment of Dr. William Edkin to the Building Committee. Motion carried, 5-0.

## VI. NEW BUSINESS

### A. AGREEMENT TO RELEASE CONDITIONS OF SUBDIVISION PLAN – 890 PROSPECT ROAD.

Maria Di Stravolo Elliott of Barley Snyder Attorneys at Law stated she is representing Michael and Rebecca Charles who own Lot #3 and Lot #4 that were approved through a subdivision entitled “Final Plan for Harry M. Albright Estate” in 1975 by Lancaster County. She stated, at that time the Township had no Subdivision/Land Development Ordinance.

Ms. Elliot noted that there were 2 notes placed on the plan – (1) (See Note 5 on plan) required Lot No. 3 and Lot No. 4 to be conveyed to the same buyer and (2) (See Note 6 on Plan) required Lot No.4 to be used as a drain field for Lot No. 2 and Lot No. 3 and, therefore, Lot No. 4 could not be built on until public sewers were installed. She further stated that public sewers have been installed for Lot No. 2 and Lot No. 3

Ms. Elliot is asking that the Township not enforce these notes. She has contacted the County and has received approval from them to do so. The Agreement has also been review by Township’s Solicitor Josele Cleary.

Edward Fisher questioned the number of units in the existing apartment building on Lot No. 3. Mr. Charles stated there are five (5) units in the apartment building. Mr. Fisher expressed his concern that Lot No. 3 is a small lot for the number of units and people occupying the property and that he is aware of the variance granted by the Zoning Hearing Board.

Frank Burkhart asked if there is enough parking space to park the vehicles as required. Mr. Charles stated that he just installed 4 to 5 spaces on Lot No. 3 and he placed a no parking sign across the street on Lot No. 4.

Edward Fisher questioned the ultimate right-of-way for Lot No. 4. Is it considered and is it shown on the plan? Ron Youtz, Township Manager stated that he would review and clarify that prior to permits being issued.

**Motion:** Frank Burkhart moved, seconded by Kent Gardner to approve the Agreement Regarding Notes on Subdivision Plan and not enforce Note 5 and Note 6 as shown on the original plan. Motion carried, 5-0.

**B. REQUEST AUTHORIZATION FOR SOLICITOR TO REPRESENT TOWNSHIP IN APPEAL OF SUMMARY CRIMINAL CONVICTIONS.**

Police Chief Mark Pugliese stated that he had received on April 26<sup>th</sup> notice from our Township Solicitor regarding two individuals who violated the Township's Solicitation Ordinance. These two individuals were found guilty by the District Magistrate of violating the Ordinance, and they have filed an appeal. Chief Pugliese is asking that the Board authorize Township Attorney Josele Cleary to represent the Township in this matter.

**Motion:** Kent Gardner moved, seconded by Edward Fisher, to authorize Attorney Josele Cleary to represent Township in the appeal process of summary criminal convictions. Motion carried, 5-0.

**C. REQUEST AUTHORIZATION FOR TOWNSHIP MANAGER AND SOLICITOR TO REPRESENT THE TOWNSHIP FOR THE ZONING HEARING APPLICATION OF ST. ANNE'S.**

Ron Youtz, Township Manager, informed the Board that he had provided each member with a copy of the completed Zoning Hearing Board application submitted by St. Anne's to expand their continuing care community.

Mr. Youtz, Township Manager informed the Board that St. Anne's Retirement Community proposes to construct six single family detached dwellings along with duplexes and apartments. The proposed duplexes and apartments are permitted in a Continuing Care Retirement Community. The single family detached dwellings are not a permitted use in a Continuing Care Retirement. St. Anne's is requesting a total of 17 variances. Eight of those variances relate to the single family detached dwellings.

He stated that the Zoning Hearing Board will meet on Tuesday, June 10, 2014 and he is requesting the Board to authorize Township Solicitor Josele Cleary and him to attend the Zoning Hearing Board meeting and represent the Township on this application.

Edward Fisher stated that he would like the Township staff to work with St. Anne's representatives, but that the proposed application basically guts the Township's Zoning Ordinance and that cannot be allowed.

Frank Burkhart and Kent Gardner both agreed that we have an ordinance for a purpose and we need to enforce the ordinance.

**Motion:** Kent Gardner moved, seconded by Edward Fisher, to authorize the Township Manager and Township Solicitor to represent the Township during the June 10, 2014 Zoning Hearing Board application from St. Anne's Retirement Community and to oppose the variances that relate to the proposed six single family detached dwellings.. Motion carried, 5-0.

D. BLOCK PARTY PERMIT – 4100 BLOCK OF FORREST ROAD.

Ron Youtz informed the board that in 2010 a policy was adopted to permit holding a neighborhood block party. He stated he had received a request for a block party to be held in the 4100 block of Forrest Road. Mr. Youtz informed the Board that he reviewed this application with Police Chief Mark Pugliese and both have no issues with approving this application.

**Motion:** Edward Fisher moved, seconded by, Kent Gardner to approve the application for the 4100 Block of Forrest Road to hold a block party on July 12, 2014 between the hours of 2:00 p.m. to 8:00 p.m. Motion carried, 5-0.

VII. ORDINANCE AND RESOLUTIONS

A. RESOLUTION 5-14 AUTHORIZING THE WEST HEMPFIELD FIRE AND RESCUE TO PARTICIPATE IN THE FEDERAL SURPLUS PROPERTY DISTRIBUTION PROGRAM.

Ron Youtz, Township Manager, stated that the Fire Company could benefit in purchasing various items that would be useful and at a low cost from the Federal Surplus Property Program.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve Resolution 5-14 authorizing the West Hempfield Fire and Rescue to participate in the Federal Surplus Property Distribution Program. Motion carried, 5-0.

B. RESOLUTION 6-14 TO SUPPORT SENATE BILL 1340 AND HOUSE BILL 1272 ENABLING ALL MUNICIPAL POLICE TO USE THE SAME VEHICLE SPEED TIMING EQUIPMENT.

Police Chief Mark Pugliese states that Pennsylvania is the only State that will not allow local police departments to use vehicle speed timing via radar. He is asking the Board to approve Resolution 6-14 which will allow local police departments to use radar.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve Resolution 6-14, supporting Senate Bill 1340 and House Bill 1272 to enable all municipal police to use the same vehicle speed timing equipment. Motion carried, 5-0.

VIII. APPROVAL OF PAYABLES

Payroll/Taxes.....	\$263,640.27	Electronic Payment
General Fund.....	\$581,254.10	Checks 24996 – 25099
Fire Hydrant.....	\$ 1,082.15	Checks 196
Street Light.....	\$ 4,973.20	Checks 370
State Fund.....	\$ 4,723.69	Checks 2886 - 2895
Escrow Fund.....	\$ 3,650.46	Checks 119
Sewer Fund.....	\$ 13,965.09	Checks 3697
Refuse Fund.....	\$ 68,467.25	Checks 2172 – 2178

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve payment of all bills between May 1 through May 31, 2014 and any residuals. Motion carried, 5-0

IV. ADJOURNMENT TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER.

**Motion:** Chairman David Dumeyer called for motion to adjourn into Executive Session to discuss a real estate issue Kent Gardner moved, seconded by Ed Fisher, 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