

WEST HEMPFIELD TOWNSHIP SUPERVISOR'S MEETING

Minutes of January 7, 2013

The reorganization and regular meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Monday, January 7, 2013. David Dumeyer called the reorganization meeting to order at 7:30 p.m. with the Pledge of Allegiance. Board members Frank Burkhart, Edward Fisher, Kent Gardner and Naomi Martin were present. Also in attendance were Ron Youtz, Township Manager; Dale Getz, Public Workers Director; Mark Pugliese, Chief of Police; and Jodi Grove, Zoning Officer/Acting Recording Secretary.

Reorganizational Meeting

I. Nomination and Election of Officers.

Edward Fisher served as the temporary chairman and entertained nominations for the office of Chairman of the Board.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to nominate David Dumeyer as Chairman. Kent Gardner moved, seconded by Frank Burkhart, to close the nominations. David Dumeyer was declared Chairman of the Board by a unanimous vote.

David Dumeyer then proceeded with the nomination of Vice-Chairman.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to nominate Edward Fisher as Vice-Chairman. Frank Burkhart moved, seconded by Kent Gardner, to close the nominations. Edward Fisher was declared Vice-Chairman of the Board by a unanimous vote.

II. Appointment of Secretary-Treasurer and Assistant Secretary-Treasurer.

Motion: Edward Fisher moved, seconded by Kent Gardner, to appoint Ron Youtz as Secretary-Treasurer. Carried 5-0.

Motion: Edward Fisher moved, seconded by Kent Gardner, to appoint Brenda Shuey as Assistant Secretary-Treasurer. Carried 5-0.

III. Appointment of Solicitor.

Motion: Frank Burkhart moved, seconded by Edward Fisher, to appoint Josele Cleary of the law firm of Morgan, Hallgren, Crosswell and Kane as Solicitor. Carried 5-0.

IV. Appointment of Engineer.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to appoint Rettew Associates to serve as Township Engineer. David Dumeyer abstained due to an indirect business relationship with Rettew. Carried 4-0, with 1 abstention.

V. Appointment of Sewage Enforcement Office and Alternate.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to appoint Marvin Stoner as Sewage Enforcement Officer. Carried 5-0.

Motion: Edward Fisher moved, seconded by Kent Gardner, to appoint David Lockard as Alternate Sewage Enforcement Officer. Carried 5-0.

VI. Appointment of Auditor for 2012 Financial Statements.

Motion: Edward Fisher moved, seconded by Kent Gardner, to appoint Bertz, Hess & Co., Certified Public Accountants, to conduct the audit of the 2012 financial statements. Carried 5-0.

VII Appointment to Zoning Hearing Board.

Motion: Frank Burkhart moved, seconded by Edward Fisher, to reappoint Amy Swiernik to a three-year term on the Zoning Hearing Board. Carried 5-0.

VIII. Appointment of Solicitor to Zoning Hearing Board.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to appoint Matthew J. Crème of Nikolaus & Hohenadel as Solicitor to the Zoning Hearing Board. Carried 5-0.

IX. Appointment to Planning Commission.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to reappoint Daniel Nonnemacher to a four-year term to the Planning Commission. Carried 5-0.

X. Appointment to Lancaster Area Sewer Authority.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to reappoint Edward Fisher to a four-year term as the LASA representative. Carried 5-0.

XI. Appointment to the Hempfield Area Recreation Commission.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to appoint Chris Gibbons to a two year term on the Hempfield Area Recreation Commission. Carried 5-0.

XII. Appointment to the Land Use Advisory Board of the LIMC.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to appoint Anthony Crocamo to the Land Use Advisory Board of LIMC. Carried 5-0.

XIII. Appointment of Voting Delegate for the State Convention.

Motion: Frank Burkhart moved, seconded by Edward Fisher, to appoint Ron Youtz, Township Manager and Secretary-Treasurer, as voting delegate to the State Convention. Carried 5-0.

XIV. Designation of Depository for Township Funds.

Motion: Edward Fisher moved, seconded by Kent Gardner, to designate Union Community Bank, Salunga Branch, as the depository for Township Funds. Carried 5-0.

XV. Setting of Bond Amount.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to set the bond amount for 2013 at \$1,500,000. Carried 5-0.

XVI. Establishment of Monthly Meeting Location and Dates.

Motion: Edward Fisher moved, seconded by Kent Gardner, to establish the regularly scheduled meetings for 2013 for the first Tuesday of each month, with the exception of Thursday, November 7, at 7:30 p.m. at the Township Municipal Building. Carried 5-0.

XVII. Adjournment of Reorganization Meeting.

Chairman David Dumeyer concluded the reorganization meeting to the regular meeting at 7:50 p.m.

Regular Monthly Meeting

I. Call to order.

Chairman David Dumeyer called the regular meeting to order at 7:50 p.m.

II. Approval of the Minutes of December 4, 2012.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the minutes of December 4, 2012 as distributed. Carried 5-0.

III. Communications.

A. Board of Supervisors.

Frank Burkhart thanked Ron Youtz, Manager, and Staff for their efforts throughout the past year.

David Dumeyer also wished to thank Gary Bishop, A Board Member of the Hempfield Area Recreation Commission who has served over thirty years, and would like a thank you letter of appreciation sent to him.

B. Township Manager

Ron Youtz reminded the Board that the Board of Auditors would meet tomorrow at 7:00 p.m. Mr. Youtz also stated that he received a Fire and Rescue Monthly Report from Chief Carter.

Mr. Youtz requested to the Board an addition to the Agenda under New Business. He asked that some discussion be made and hopefully the authorization to purchase a pick-up truck for the Public Works Department.

Mr. Youtz also advised the Board that an Executive Session was placed on the Agenda after the regular meeting is adjourned to discuss a personnel matter but would no longer be needed.

Mark Friedman, 505 Bald Eagle Court, Lancaster, PA, voiced a concern regarding the noise level from a home next door. Mr. Friedman stated that before he moved in to his house the noise penetrated the walls and you could feel the intensity of the sound waves against your body inside the house. He stated that over the course of 5 years he made numerous calls to the Township Police. He stated that he called an attorney in 2012 and the result yielded two options. Spend additional money for litigation or sell his home and move. Mr. Friedman referred to the Township's Noise Ordinance 802.5 which is under the Industrial Performance Standards. He asked the Board if there could be a similar ordinance created for sounds equivalent within a Residential District. Ron Youtz, Manager, stated that he and Police Chief Pugliese would work with Mr. Friedman to help resolve his concern.

IV. Subdivisions, Land Developments, and Planning Modules.

A. Stony Battery Corporate Center Lot 22B – North Side of Corporate Blvd. – Final Subdivision Plan.

Bill Swiernik, DMA, Inc. presented the Stony Battery Corporate Center Final Subdivision Plan. Frank Burkhart asked Mr. Swiernik who was responsible for the storm water basin.

Mr. Swiernik stated that a note has been placed on the plan identifying whose responsibility it is. Mr. Murray, property owner, stated that they have a property owner's association that will be responsible.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the Stony Battery Corporate Center Lot 22B Final Subdivision Plan with the condition that the applicant satisfies all outstanding items to the satisfaction of the Township. Carried 5-0.

B. All Size Corrugated Products – 3950 Continental Drive – Final Land Development Plan.

Scott Miller, Stackhouse Bensinger, Inc., presented the waivers for the All Size Corrugated Products Final Land Development Plan. Frank Burkhart asked Mr. Miller if the number of street trees shown on the plan was the number required. Mr. Burkhart stated that it seemed like there were more street trees on the plan than was required. Mr. Miller stated that he would double check the number and report back to the Board. Mr. Burkhart also asked if there was adequate infiltration. Mr. Miller stated that there was.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Waiver of Section 305 – Preliminary Plan Submission with the condition that the applicant satisfies all preliminary and final plan requirements to the satisfaction of the Township. Carried 5-0.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Waiver of Section 404.A.1 and Section 405.A – Plan Scale based upon the justification provided. Carried 5-0.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the Waiver of Section 602.N – Sidewalks with the condition that along with the applicant proposing sidewalk along the frontage of Continental Drive that the applicant adds a note to the plan that in the future should sidewalks be added to the Prospect Road for other development that

the applicant at their cost would install sidewalks from Continental Drive to the bridge on Prospect Road. Carried 5-0.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the Waiver of Section 609.D.3 – Lot Depth to Width Ratio based upon the justification provided. Carried 5-0.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve the Waiver of Section 122.2.A – (Storm Water Management Ordinance) – Compute storm runoff using SCS TR-55 method based upon the justification provided. Carried 5-0.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Waiver of Section 602.k.6.b – Roadway Improvements based upon the justification provided with the condition that the damaged curb be replaced along the existing cartway as directed by the Township Engineer during the Pre-Construction Meeting. Carried 5-0.

C. Sylvan View Phase I – West Side of Sylvan Retreat Road – Final Subdivision Plan.

Bill Swiernik, DMA, Inc., presented the Sylvan View Phase I Final Subdivision Plan. Mr. Swiernik advised the Board that the temporary cul-de-sac slope is at 10% grade to avoid undercutting on the proposed street and that the applicant is agreeable to rebuild the cul-de-sac to the required 5% grade should the project not go beyond Phase 1.

Mr. Swiernik also discussed the additional waiver request to allow for the additional length of the temporary cul-de-sac. He also noted that the conditions of the conditional use decision were placed on the plan.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Waiver of Section 602.S.3 – Length of Temporary Cul-De-Sac based upon the justification provided. Carried 5-0.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Final Subdivision Plan for Sylvan View Phase 1 with the condition that after a period of five years if the applicant does not begin Phase 2 that one of two things occurs, either the applicant comes back and asks for an extension of time for the 10 percent cul-de-sac or, if the applicant, having placed a financial security for the project, re-grades the 10 percent slope on the cul-de-sac and make it a 5 percent slope per Township Ordinance and that the applicant satisfies all preliminary and final plan requirements to the satisfaction of the Township. Carried 5-0.

D. Eagles View – South Side of Marietta Avenue – Request for Reduction in Letter of Credit

Ron Youtz presented the request by Roy Zimmerman to reduce his letter of credit for Eagles View from \$36,516.70 to \$3,651.67.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to approve the reduction in the letter of credit for Roy Zimmerman (Eagles View) in the amount of \$36,516.70, leaving a balance of \$3,651.67. Carried 5-0.

V. Old Business.

A. None.

VI. New Business.

A. Bid Award for Transferable Development Rights.

Ron Youtz advised the Board that the Transferable Development Right (TDR) bids were opened August 7, 2012. Twenty-three (23) TDR's were available for bid and Sylvan Partners, LP, submitted the only bid at \$12,000.00 per TDR for a total of \$276,000.00.

Motion: Edward Fisher moved, seconded by Kent Gardner, to award the bid for twenty-three (23) Transferable Development Rights (TDR's) to Sylvan View for \$12,000.00 per TDR for a total of \$276,000.00. Carried 5-0.

B. Approval of Offers for Acquisition of Required Right-of-Ways for the Stony Battery Road Improvement Project.

Ron Youtz advised the Board that he needs signatures on the Acquisition of Required Right-of-Ways for the Stony Battery Road Improvement Project to approve the offer to purchase.

Motion: Frank Burkhart moved, seconded by Edward Fisher, to approve the offer to purchase and the signing of the Acquisition of Required Right-of-Ways for the Stony Battery Road Improvement Project. Carried 5-0.

C. Establish Date and Time for Meeting with West Hempfield Fire and Rescue.

It was the consensus of the Board to schedule the Joint Meeting with the Hempfield Fire and Rescue on Wednesday, January 30, 2013 at 7:00 p.m. at the Hempfield Fire and Rescue location.

D. Authorization to Forward 2012 Delinquent Street Light and Fire Hydrant Accounts for Collection.

Motion: Kent Gardner moved, seconded by Edward Fisher, to authorize the Township Staff to forward 2012 delinquent street light and fire hydrant accounts to collections. Carried 5-0.

E. Hempfield Area Recreation Commission – Request use of Township Roads for Annual Triathlon Event.

Motion: Edward Fisher moved, seconded by Kent Gardner, to authorize the Hempfield Area Recreation Commission to use the Township Roads for their Annual Triathlon Event along with police coordination for the use of two officers and fire police. Carried 5-0.

F. Farmdale Faculty Parent Association – Request use of Fairview Park for Annual Farmdale Festival.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to authorize the Farmdale Faculty Parent Association to use Fairview Park for their Annual Farmdale Festival. Carried 5-0.

G. Authorization to Purchase a Pick-up Truck.

The Board was presented with a proposal for the purchase of a new pick-up for the Public Works Department. This was a budgeted item in the 2013 Budget. Ron Youtz explained to the Board that the Public Works Department found a 2012 Ford F150 on the lot at Whitmoyer Ford and would like authorization to purchase it. It would take 14-16 weeks to get a 2013 truck if ordered. Dale Getz, Public Works, explained that the 2012 is an esthetically nicer looking vehicle than the 2013 and it gets good gas mileage. There is a difference of \$88.00 between the 2012 and the 2013 vehicle. Mr. Burkhart asked Mr. Getz some questions regarding the different vehicle packages with all of the different options that were given to him. Mr. Getz also explained that the purchase was necessary and that the 15 year old Dodge Dakota was on its second transmission.

Motion: Kent Gardner moved, seconded by Edward Fisher, to authorize the Public Works Department to replace a 15 year old Dodge Dakota pick-up truck with the purchase of a 2012 Ford F150 pick-up truck from Whitmoyer Ford. Carried 5-0.

The Board welcomed visitor L.J. Kline, 332 Barberry Drive, Lancaster, PA 17601 who attends a Government Class at Lancaster Catholic.

VII. Ordinances and Resolutions.

Resolution 1-13 Establishing Fees for 2013.

Motion: Edward Fisher moved, seconded by Frank Burkhart, to approve Resolution 1-13 Establishing Fees for 2013 including the amendments to the Legal and Engineering Fees. Carried 5-0.

VIII. Approval of Payables.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve the payables from December 1st through December 31st and any residuals. Carried 5-0.

XI. Adjournment

Motion: There being no further business to come before the Board, Kent Gardner moved, seconded by Frank Burkhart, to adjourn the meeting at 9:09 p.m. Carried 5-0.

Respectfully Submitted,

Ron L. Youtz
Secretary