

**WEST HEMPFIELD TOWNSHIP SUPERVISORS' MEETING**  
**Minutes of February 5, 2013**

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, February 5, 2013. Chairman David Dumeyer and Board members Frank Burkhart, Edward Fisher, Kent Gardner and Naomi Martin were present. Also in attendance were: Ron Youtz, Township Manager; Mark Pugliese I, Chief of Police, Dale Getz, Public Works Director and Brenda Shuey, 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.

II. APPROVAL OF MINUTES:

**Motion:** Kent Gardner moved, seconded by, Edward Fisher, to approve the Board's January 7, 2013 re-organizational and regular board meeting minutes as presented. Motion carried, 5-0.

III. COMMUNICATIONS:

A. Board of Supervisors

1. David Dumeyer thanked the West Hempfield Fire and Rescue for an educational meeting that was held on January 30<sup>th</sup> at which time presentations were made in regards to their current issues and their future plans and goals.

B. Township Manager Report

1. Ron Youtz advised the Board that Chief Carter was unable to attend this evenings meeting, but that he had made available the January 2013 Fire Company activity report.
2. Mr. Youtz requested an addition to the agenda under Subdivision, Land Development and Planning Modules. He asked that a request for an amendment to the conditional final plan approval for Sylvan View be considered.

C. Residents - None

IV. SUBDIVISION, LAND DEVELOPMENTS, AND PLANNING MODULES:

A. ALL-SIZE CORRUGATED PRODUCTS – CONTINENTAL DRIVE – FINAL LAND DEVELOPMENT PLAN.

Craig Momose, of Stackhouse Bensinger introduced himself and informed the Board that Scott Miller, the Project Manager for the All -Size Corrugated project could not be

available for tonight's meeting due to a scheduling conflict, but that he has been involved with this project throughout the process. Mr. Momose stated that they had received the most recent engineering review letter from Rettew Associates and they feel that they can satisfy all the outstanding comments. Mr. Youtz stated that All-Size had received approval to their six waivers at the January 7, 2013 Board meeting. He also stated that a concern of the number of trees was brought up at the last meeting and he informed the Board that what is proposed is consistent with our Ordinance. He also stated that the Developer is willing to add a note on the plan that if they would agree to alternate areas for tree plantings at the direction of the Township.

Frank Burkhart stated that he questioned the location and the number of trees and after reviewing the plan and site more closely, he is comfortable with the placement of the trees along Continental Drive.

Kent Gardner asked if there is something in the Ordinance that stipulates the distance back from the road so that when they mature that they do not interfere with box trucks or township trucks. Mr. Youtz stated that he feels the trees are located back enough that it should not be a problem.

Edward Fisher suggested that the Township staff may want to look at this section of the ordinance since the requirements are the same for Residential and Industrial. Mr. Youtz stated that the staff will review.

**Action taken: Final Land Development Plan**

**Motion:** Edward Fisher moved, seconded by Kent Gardner to approve the final land development plan for All-Size Corrugated Products with the condition that the applicant satisfies all outstanding items to the satisfaction of the Township staff and Engineer. Motion carried, 5-0.

C. MICHAEL AND ELONDA SAHD – 2734 BURMA ROAD – FINAL SUBDIVISION PLAN

Joe Eisenhower of Light-Heigel and Mike Grab, Attorney for the Sahd's were present. Mr. Grab, Attorney stated that he represented Mr. and Mrs. Sahd during the Conditional Use Hearing. Mr. Eisenhower informed the Board that his clients have no issues with the Township Engineer's review letter dated January 10, 2013. He also stated that there are six (6) waivers requested along with final action on the Sahd's subdivision plan.

Frank Burkhart asked if the stormwater issue/concern was addressed. Mr. Eisenhower informed the Board that the stormwater has been resolved. Mr. Burkhart also asked what the proposed structure that shows on the plan will be used for. Mr. Sahd stated that the proposed structure was shown on the plan for planning purposes and once constructed it will be used for personal use and no business would be conducted from that structure. Mr. Burkhart asked if a portion of the area would still be farmed. Mr. Sahd stated that

approximately 2 to 3 acres would still be farmed.

Edward Fisher informed the Board that he will abstain from voting on the Sahd's Final Subdivision plan and waivers as he is employed by Light-Heigel, the engineering firm that prepared this plan.

**Action taken: Waiver's**

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve the waiver of Section 122-21.A (SWMO) – Method of Runoff Calculation based on the justification provided. 4 yeas', 0 nays' and 1 abstain. Motion carried.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve the waiver of Section 122-22.A (SWMO) - Burma Road Roadside Gutter with the following conditions:

1. That the applicant provide detailed contour lines and proposed grading design demonstrating the extents of grading and providing the excavator with necessary information for installation of a driveway entrance that doesn't block the gutter flow.
2. That the applicant provides an analysis demonstrating that the roadway gutter depth will not be increased by this proposal. 4 yeas', 0 nays' and 1 abstain. Motion carried.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve the waiver of Section 305 (SALDO) – Preliminary Plan Submission with the condition that the applicant satisfies all preliminary and final plan requirements to the satisfaction of the Township. 4 yeas', 0 nays' and 1 abstain. Motion carried.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve the waiver of Section 404.A.1 (SALDO) – Plan Scale based upon the alternative provided. 4 yeas', 0 nays' and 1 abstain. Motion carried.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve the waiver of Section 404.C.3.a (SALDO) – Existing Driveways within two-hundred (200') feet of subject tract based upon the alternative provided. 4 yeas', 0 nays' and 1 abstain. Motion carried.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve the waiver of Section 602.K.6.b (SALDO) – Burma Road Improvements based on the justification provided. 4 yeas', 0 nays' and 1 abstain. Motion carried.

**Action taken: Final Subdivision Plan**

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve the Final Subdivision plan for Michael and Elonda Sahd with the conditions that the applicant

satisfies all outstanding comments and requirements to the satisfaction of the Township Engineer and Township staff. 4 yeas', 0 nays' and 1 abstain. Motion carried.

C. KEITH LUTZ – 495 KINDERHOOK ROAD - DISCUSSION ON CONCEPT PLAN

Steven Gergely of Harbor Engineering informed the Board that Keith Lutz recently purchased the 22 acre parcel which is located in the Rural Residential zoning district. Mr. Gergely stated that the applicant is proposing to subdivide the 22 acre parcel which would place the existing residence on a 3 acre parcel. On the residual acreage, construct a single family home for himself and his family. The access would be shared with the existing driveway from Kinderhook Road and a shared driveway use and maintenance agreement would be executed. Mr. Gergely informed the Board to achieve better sight distance the applicant has submitted an application for a driveway permit to PennDot to re-locate the existing driveway 90 feet north, and once the permit is approved, the existing driveway would be removed.

Mr. Gergely also informed the Board that a cost estimate/feasibility study will be provided to show that the expense to connect these parcels to both public sewer and water would be cost prohibited to the applicant and waivers would be requested. The existing dwelling is served by on-lot sewer and water and the new home would also be served by the same.

Frank Burkhart expressed his concern with sharing a driveway for access to the properties because in the future the ownership could change and an issue could arise regarding the upkeep and maintenance of the roadway.

Edward Fisher asked if the applicant looked into any master planning of what is proposed and how it would fit into that scope. Mr. Gergely stated that the land is encumbered by steep slopes and at this time the applicant intentions are to build his own house and to keep the original home.

After discussion the Board informed Mr. Gergely that as long as the plan stays with-in the scope of the proposed sketch plan, it looks like an achievable plan.

D. SYLVAN PARTNERS, L.P. – REQUEST FOR AMENDMENT TO THE  
CONDITIONAL FINAL PLAN APPROVAL FOR PHASE 1.

Jay Provanzo informed the Board that they are currently working through the conditions that were imposed for their final plan approval. He stated that they recently discovered that Columbia Water would not issue a Main Extension Agreement without the letter of credit from their bank and LASA needs the Recorded Right-Of- Ways, Signed Builders Agreement and a letter of credit. He also stated that before a Bank would issue any letter of credits for water or sewer, a final plan needs to be recorded.

He stated that discussions have been on-going between Mr. Youtz, Township Manger, Josele Cleary, Township Solicitor and their legal representatives to resolve these issues.

Sylvan Partner's is requesting the Board to amend two of the conditions per their conditional plan approval dated January 7, 2013. Those conditions were part of the Rettew Engineering review letter dated December 20, 2012. The amendment would revise Paragraphs 1 and 2 under the heading Subdivision and Land Development.

**Motion:** Edward Fisher moved, seconded by Kent Gardner to amend the conditions which the Board of Supervisors imposed on approval of the Final Subdivision Plan for Sylvan View Phase 1, which conditions incorporate the letter from the Township Engineer dated December 19, 2012, revised December 20, 2012, to amend Paragraphs 1 and 2 under the heading Subdivision and Land Development, to provide:

1. Applicant shall provide (1) a letter from Lancaster Area Sewer Authority (LASA), affirming that LASA has reviewed and approved plans and specifications for sanitary sewer facilities to serve the Final Subdivision Plan for Sylvan View Phase 1 and that the only items outstanding before LASA will execute a Builder's Agreement with Applicant authorizing installation of such facilities is the posting of financial security and the execution and recording of easement agreements in a form acceptable to the LASA Solicitor and (2) a letter from Fulton Bank, N.A. stating that it will issue a letter of credit naming LASA as beneficiary in the amount of the financial security required by LASA for Sylvan View Phase 1 upon presentation of proof that Applicant has recorded the Final Subdivision plan for Sylvan View Phase I to the Township prior to the release of such Plan for recording; and Applicant shall provide the fully executed Builder's Agreement to the Township within 30 days after the Township releases the Plan for recording.
2. Applicant shall provide (1) a letter from Columbia Water Company affirming that the Company has reviewed and approved plans and specifications for public water facilities to serve the Final Subdivision Plan for Sylvan View Phase 1 and that the only item outstanding before the Company will execute a Main Extension Agreement with Applicant authorizing installation of such facilities is the posting of financial security and (2) a letter from Fulton Bank, N.A. stating that it will issue a letter of credit naming the Company as beneficiary in the amount of the financial security required by the Company for Sylvan View Phase 1 upon presentation of proof that Applicant has recorded the Final Subdivision Plan for Sylvan View Phase 1 to the Township prior to the release of such Plan for recording; and Applicant shall provide the fully executed Main Extension Agreement to the Township within 30 days after the Township releases the Plan for recording. Motion carried, 5-0.

V. OLD BUSINESS – None

VI. NEW BUSINESS

- A. REQUEST AUTHORIZATION FOR THE APPROPRIATE OFFICERS TO EXECUTE THE REQUIRED DOCUMENTS FOR THE FINAL PLAN AND SALE OF TDR’S FOR SYLVAN VIEW.

Ron Youtz stated that due to the complexity of this project and the numerous documents that need to be signed, most specifically with the sale of the TDR’s, Solicitor Cleary recommends that the Board adopt a motion to authorize the appropriate officers, which would allow either Chairman David Dumeyer or Vice Chairman Edward Fisher to sign the necessary documents for this project.

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to authorize the appropriate officers of the Board of Supervisors to execute the necessary documents that are required for the final plan and the sale of the TDR’s for Sylvan View. Motion carried, 5-0

- B. REQUEST AUTHORIZATION TO BID HIGHWAY MATERIALS AND PAVING PROJECTS.

Ron Youtz informed the Board that the road maintenance season will soon be upon us and that he is asking the Board for authorization to bid the highway materials and paving projects for 2013.

**Motion:** Frank Burkhart moved, seconded by Kent Gardner, to authorize the Township staff to advertise the paving projects and highway materials for the 2013 road maintenance season. Motion carried, 5-0

VII. ORDINANCES AND RESOLUTIONS - None

VIII. APPROVAL OF PAYABLES

**Motion:** Kent Gardner moved, seconded by Frank Burkhart, to approve payment of all bills between January 1 through January 31, 2013 and any residuals. Motion carried, 5-0

Payroll/Taxes.....	\$164,639.64	Electronic Payment
General Fund.....	\$202,667.47	Checks 23246 – 23344
Fire Hydrant.....	\$ 78.00	Checks 187
Street Light.....	\$ 4,161.07	Checks 351-352
State Fund.....	\$ 17,522.93	Checks 2789 - 2794
Sewer Fund.....	\$ 18,271.69	Checks 3660 - 3662
Refuse Fund.....	\$ 71,133.21	Checks 2040 - 2048

IX. ADJOURNMENT.

**Motion**: Kent Gardner moved, seconded by Edward Fisher, to adjourn the regular meeting at 8:15 p.m., and to go into Executive Session to discuss personnel and legal issues. Motion carried, 5-0.

Respectfully submitted,

Ron L. Youtz,  
Secretary