

WEST HEMPFIELD TOWNSHIP SUPERVISORS' MEETING
Minutes of March 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, March 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: Edward Fisher moved, seconded by, Kent Gardner, to approve the Board's January 30, 2013 special meeting and regular board meeting minutes of February 5, 2013 as presented. Motion carried, 5-0.

III. COMMUNICATIONS:

A. Board of Supervisors

1. Kent Gardner stated there are 9 municipalities that currently belong to the LMIC. He stated 3 additional municipalities have withdrawn. Kent Gardner stated that the MS4 manual should be forthcoming and a bulk mailing with partnership with the Little Conestoga Water Shed will help reduce costs for the MS4 permits.

B. Township Manager Report

1. Ron Youtz requested an addition to the Agenda – requesting authorization of the appropriate officers to sign the required documents and/or agreements for Rutters Store #23.
2. Reminder dinner meeting of the Lancaster County Association of Township Supervisors to be held at Four Season on Tuesday March 26, 2013 at 5:30 p.m.
3. Charlie Webb from PennDot left a message saying that the proposed storm water work along Prospect Road is tentatively planned for the week of March 11th.

- C. Residents - Moffeed Tanious of 114 Stonehouse Lane stated that he has a complaint with a police officer and the constant connection with his family. David Dumeyer stated that he should contact Chief Pugliese regarding this issue. Kent Gardner suggested that this issue be discussed in executive session since it is a personnel issue.

- D. Fire Chief Barry Carter presented the Board with a copy of the February 2013 fire company activities report. He stated that there was no reportable fire lost or injuries for the month. He also stated that they have applied for a grant through FEMA and was awarded \$50,000.00 for a diesel exhaust system for the fire station. He stated that due to federal budget cuts the amount of money awarded may be cut.

IV. SUBDIVISION, LAND DEVELOPMENTS, AND PLANNING MODULES:

A. AMERIMAX HOME PRODUCTS – 450 RICHARDSON DRIVE – PLAN BRIEFING.

Jodi Grove, Zoning Officer informed the Board that Amerimax Home Products are proposing to create a new gravel parking area to facilitate 17 new parking spaces for tractor trailers. She also stated that currently the trailers are parked all over the site and with these additional spaces it would centralize and allow for a more manageable facility.

Jodi Grove informed the Board that they are not submitting a Traffic Impact Study since this is an expansion of the facility and would not generate any additional employees nor add any additional floor area to the current facility.

Ms. Grove informed the Board that there are 2 modifications being considered:

1. The applicant would like the plan to be considered as a Stormwater Management Plan and not be subjected to the requirements of the SALDO for processing a Land Development Plan. They would be requesting a waiver from filing a Land Development.
2. A waiver of Section 122-21.A – Calculation of Runoff. (SALDO) would also be requested.

Mr. Youtz stated that the Township Engineering firm Rettew Associates has prepared this plan and the Township will use ELA to review this plan to eliminate any possible conflict of interest. Mr. Youtz also stated a copy of the plan will be presented to East Hempfield as a courtesy and for their review. A portion of this property is located in East Hempfield Township but all the work proposed is located in West Hempfield.

B. EAGLES VIEW – SOUTH SIDE OF MARIETTA AVENUE – REQUEST TO RELEASE LETTER OF CREDIT FOR PHASE 1B and 2.

Jodi Grove informed the Board that the developer for Eagles View has requested a reduction to their letter of credit. Rettew Associates performed an on-site inspection and found that there are a few minor items that need completed. These items involved sidewalks and storm water issues. Rettew Associates is recommending that the letter of credit could be reduced from \$60,000.00 to \$4,200.00.

Ron Youtz, Township Manager informed the Board that in January 2013 a reduction of a letter of credit for Phase 3 was done and recently roads were adopted for that phase as well. After communication with Mr. Zimmerman's bank it was discovered that we are still holding a letter of credit in the amount of \$60,000.00 for Phases 1B and 2. We adopted the streets in phases 1B and 2 in November 2005.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the reduction of the \$60,000.00 letter of credit for Phase 1B and 2 to \$4,200.00. 5-0, Motion carried.

C. CHATSWORTH DEVELOPMENT – KAYO AVENUE – REQUEST TO RELEASE LETTER OF CREDIT.

Ron Youtz, Township Manager informed the Board that a request from Ellwood, LLC, dba/Keystone Custom Homes to inspect Chatsworth development as specified in the Municipal Planning Code Section 510(a). He stated that the Township Engineer has prepared a list of outstanding items. That list has been provided to the Developer.

Mr. Youtz stated that the Township Engineer and Solicitor both recommend that the financial security not be reduced or release. Mr. Youtz also suggested that a motion confirming action of the Township Engineer to inspect the Development and to approve engineer's report dated February 27, 2013 and to allow the Township Manager to release said inspection report.

Motion: Edward Fisher moved, seconded by Kent Gardner, to ratify and confirm the action of the Manager to request that the Township Engineer prepare a report in accordance with Section 510(a) of the Municipality Planning Code, concerning the request of Ellwood LLC, for the release of their financial security relating to the Chatsworth Development. 5-0, Motion carried.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the Engineers report prepared by Rettew Associate dated February 27, 2013 and to authorize the Township Manager to notify the developer of the action of the Board to not release or reduce their financial security. 5-0, Motion carried.

D. ADORERS OF THE BLOOD OF CHRIST – AGREEMENT TO VOID LAND DEVELOPMENT PLAN AND REQUEST TO RELEASE LETTER OF CREDIT.

Ron Youtz informed the Board that at their October 4, 2011 Board meeting, conditional approval of the subdivision/land development plan for the Adorer's was given and the plan was recorded in early 2012. After further discussion and consideration, the Adorer's have decided not to proceed with development of the group quarters as originally proposed. They have requested that the land development plan component of their plan be voided and requests that their financial security be released. An agreement has been prepared by our Solicitor Josele Cleary and completed by the Adorer's Solicitor, Caroline Hoffer.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to approve the agreement to void the Land Development Plan for the Adorer's of the Blood of Christ for property located at 3950 Columbia Avenue, and as noted in agreement the financial security shall be released. 5-0, Motion carried.

E. ANDY ZEIGLER – 4440 FAIRVIEW ROAD – STORMWATER MANAGEMENT AGREEMENT.

Ron Youtz informed the Board in 1991, a subdivision plan was submitted by J. Thomas and Donna Faulker that created this parcel. Mr. and Mrs. Zeigler purchased this parcel of land with the desire to construct a new home. To allow this lot to be developed the staff made sure that the requirements of our Storm Water Management Ordinance was adhered to. There were minor changes found. Mr. and Mrs. Zeigler submitted and received approval of their Erosion and Sedimentation Plan which was approved by the Lancaster County Conservation District.

Mr. Youtz stated that with these minor changes, we are requiring the land owners to enter into a Storm Water Management Agreement which was prepared by our Solicitor. He also stated that a motion is needed to authorize the Chairman to sign the proposed agreement.

Motion: Frank Burkhart moved, seconded by Edward Fisher, to approve and authorize the Chairman of the Board to sign the Storm Water Management Agreement as presented for property at 4440 Fairview Road. 5-0, Motion carried.

V. OLD BUSINESS – None

VI. NEW BUSINESS

A. HEMPFIELD AREA RECREATION COMMISSION – REQUEST USE OF TOWNSHIP ROADS FOR ANNUAL ALLIANCE BIKE RIDE.

Ron Youtz informed the Board that the Hempfield Area Recreation Commission has approached the Township to request the use of Township Roads for their annual bike ride.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the request of the Hempfield Area Creation Commission to utilize township roads for their annual alliance bike ride. 5-0, Motion carried.

Edward Fisher brought to the Boards attention that the application process to utilize State Roads has changed and could require up to 8 weeks notice prior to event. Mr. Youtz stated that he would make the Recreation Commission aware of this process.

B. UPDATE ON LANCASTER COUNTY ACT 167 STORM WATER ORDINANCE.

Ron Youtz provided an update on the conditional approval from the Department of Environmental Protection (DEP) on the Lancaster County 167 model storm water ordinance. There are County wide concerns with some of the conditions of the approval. One of the notable issues is that the conditional approval would require DEP approvals on any potential waivers from the BMP manual. Many of the County's, Township's and Borough's along with the Building Industry Association are proposing to file a joint appeal to the conditional approval. Our Township Solicitor is representing many of the municipalities in this appeal.

Motion: Edward Fisher moved, seconded by Kent Gardner, to authorize West Hempfield Township to join with other Lancaster County municipalities and with the Building Industry Association of Lancaster County in an appeal to the Pennsylvania Environmental Hearing Board from the letter dated February 5, 2013, from Scott R. Williamson, Program Manager, Wetlands and Waterways Program, of the Pennsylvania Department of Environmental Protection, approving the Lancaster County Act 167 Stormwater Management Plan, subject to conditions, and to further authorize the Township Solicitor and appropriate Township officials to execute a notice of appeal or other documents necessary or desirable to prosecute the appeal. 5-0, Motion carried.

C. AUTHORIZE SOLICITOR TO ENTER COMPLAINTS ON PROPERTIES ON OUTSTANDING (OLDS) COMPLIANCE PROPERTIES.

Ron Youtz, Township Manager explained that there are a few properties that are not in compliance with the Township O.L.D.S. Program. He asked that the Board authorize the Township Solicitor to prepare and enter complaints against these properties that are not in compliance.

Motion: Kent Gardner moved, seconded by Edward Fisher, to authorize the Township Solicitor to enter complaints against 12 properties that are noncompliant with the OLDS program. 5-0, Motion carried.

D. DISCUSSION ON NORTHWEST LANCASTER COUNTY RIVER TRAIL

Ron Youtz, Township Manager informed the Board that he had been in contact with Mike Domin and Paul Weiss of Lancaster County Parks who have been working on the Northwest River Trail. Some of the proposed trail will go through the Township. There has been discussion on an inter-governmental agreement which would create an advisory committee. We are the only municipality that does not own property along this proposed trail. He stated that he is looking for some direction from the Board on how involved they would like to be.

Kent Gardner suggested that Ron Youtz, Township Manager keep the Board updated on the status of the proposed trail. The other members agreed.

E. REQUESTING AUTHORIZATION OF THE APPROPRIATE OFFICERS TO SIGN THE REQUIRED DOCUMENTS AND/OR AGREEMENTS FOR RUTTERS STORE #23.

Mr. Youtz informed the Board that Rutter's Store is close to recording their plan and obtaining a building permit shortly after. He stated that our Township Solicitor had concerns with the PennDot occupancy permit since we have to be named on the application along with the conditions that were imposed. He stated that the concerns were the future maintenance of sidewalks and vegetation in right of way agreement and those responsibilities need to be conveyed to the owners. Mr. Youtz informed the Board that he is requesting the Board to authorize the appropriate official's to sign the documents and or agreements.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the appropriate officials to sign the documents and/or agreements for Rutters Store #23. 5-0, Motion carried.

David Dumeyer stated that the agreement has several errors and would recommend that the agreement be corrected before any signature would be placed.

VII. ORDINANCES AND RESOLUTIONS

A. RESOLUTION 2-13 – TO INCLUDE ESCALATOR CLAUSE IN ROAD MATERIAL BIDS.

Ron Youtz informed the Board that the proposed Resolution to be considered is for the escalator clause that is needed for asphalt bids which would contain less than 100 ton of liquid asphalt be considered for adoption.

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve Resolution 2-13 to include an escalator clause in the road material bids. Motion carried, 5-0

VIII. APPROVAL OF PAYABLES

Motion: Kent Gardner moved, seconded by Edward Fisher, to approve payment of all bills between February 1 through February 28, 2013 and any residuals. Motion carried, 5-0

Payroll/Taxes.....	\$165,613.47	Electronic Payment
General Fund.....	\$204,020.19	Checks 23345 - 23471
Street Light.....	\$ 4,370.06	Checks 353
State Fund.....	\$ 15,495.22	Checks 2795 - 2803
Sewer Fund.....	\$ 15,909.22	Checks 3663 - 3665
Refuse Fund.....	\$ 68,015.83	Checks 2049 - 2059

IX. ADJOURNMENT.

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

Respectfully submitted,

Ron L. Youtz,
Secretary