

WEST HEMPFIELD TOWNSHIP SUPERVISORS' MEETING
Minutes of August 6, 2013

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, August 6, 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, 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 and he also requested a moment of silence out of the respect for those impacted by the recent tragedy that happened at Ross Township in Monroe County, Pennsylvania.

II. APPROVAL OF MINUTES:

Motion: Edward Fisher moved, seconded by, Frank Burkhart, to approve the July 2, 2013 regular board meeting minutes as presented. Motion carried, 5-0.

III. COMMUNICATIONS:

A. BOARD OF SUPERVISORS

- i. Kent Gardner informed the Board that he feels a grant could be awarded to the Clean Water Consortium .

B. TOWNSHIP MANAGER

- i. Ron Youtz, Township Manager informed the Board that he received a letter from the developer of Eagles View requesting release of their Financial Security for Phases 1B & 2 and requested that the item be added to the agenda.

C. RESIDENTS – NONE

- i. Barry Carter, Fire Chief presented a copy of the fire company's written report which encases July 2013 activities.

IV. SUBDIVISION, LAND DEVELOPMENTS, AND PLANNING MODULES:

A. KEITH & ANGELA LUTZ – 495 KINDERHOOK ROAD – FINAL SUBDIVISION PLAN

Steve Gergely of Harbor Engineering informed the Board that the applicant is proposing to subdivide three acres from the parent tract which contains approximately 22 acres. The applicant plans to construct a new single family home on the residual tract and the three acre parcel will include the existing residence. Both parcels will be served by on-

lot sewer and water. He also stated that the storm water will be managed with seepage pits. Access for both properties will be shared by the existing driveway from Kinderhook Road and a shared driveway/maintenance agreement will be required.

Frank Burkhart asked if the driveway/maintenance agreement has been approved. Mr. Gergely informed Mr. Burkhart that the proposed agreement is being reviewed by the Attorneys.

WAIVER REQUESTS:

1. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Section 404.A.1 – Plan Scale based on the alternative and justification provided. Motion carried, 5-0.
2. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Sections 602.K.6 and 602.M – Improvement of Existing Streets and Curbing based on the justification provided. Motion carried, 5-0.
3. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Section 610.A and 610.B – Sewer and Water Connections based on the justification provided. Motion carried, 5-0.
4. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Section 122.26.D – Detention/Infiltration facilities are to drain within 24 hours based on the justifications provided and with the condition that the actual infiltration testing and proposed solution must be provided to the Township for review and approval prior to installation of the Seepage pit. Motion carried, 5-0.

PLAN APPROVAL:

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve the 495 Kinderhook Road Final Subdivision Plan with the condition that the applicant satisfies all outstanding comments to the satisfaction of the Township Engineer and Staff. Motion carried, 5-0.

B. ERIN COURT PARTNERS – 3775 HEMPLAND ROAD – FINAL LAND DEVELOPMENT PLAN.

Bill Swiernik of David Miller Associates along with owner Mike O'Brien informed the Board that the Applicant is proposing to construct a 59,800 square foot building addition to be used primarily for warehouse and storage of food products. He also stated that the lot is served by both public sewer and water. The storm water facilities will be consistent with the requirements of the Storm Water Management Ordinance.

Mr. Swiernik stated that with regards to the Traffic Impact Study the developer is requesting relief of not performing a traffic study but to give the fee in lieu of performing a study to the Township. He stated that the developer contribution of the cost for preparing the study is \$6,900.00. The developer feels that a traffic impact study has been recently performed for the Rutter's Store which is located down the street from their development and he felt that the fee in lieu would be more feasible than the study itself.

WAIVER:

1. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Section 305 – Preliminary Plan Processing with the condition that the applicant satisfies all preliminary and final plan requirements to the satisfaction of the Township Engineer and Township Staff. Motion carried, 5-0.
2. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Sections 403 and 403.B– Preparation of a Traffic Impact Study and Contribution in Lieu of Preparation and accept the fee in lieu of \$6,900.00 to be paid to the Township. Motion carried, 5-0.
3. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Section 602.N – Sidewalk Improvements as a deferral based on the justification and alternative provided. Motion carried, 5-0.
4. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Section 122.26.D – Basin Dewatering based upon the justification and alternative provided. Motion carried, 5-0.
5. **Motion:** Edward Fisher moved, seconded by Kent Gardner, to approve the waiver request of Section 122.21.A – Stormwater Calculation Methodology based upon the justification and alternative provided. Motion carried, 5-0.

PLAN APPROVAL:

Motion: Edward Fisher moved, seconded by Kent Gardner, to approve Erin Court Partners Preliminary/Final Land Development Plan with the condition that the applicant satisfies all outstanding comments and requirements to the satisfaction of the Township Engineer and Staff. The applicant also needs to provide evidence of approval from Lancaster County Conservation District for the E&S Control Plan and an NPDES Permit and the applicant needs to provide certified and detailed response to the Industrial Performance Standards. Motion carried, 5-0.

- C. EAGLE VIEW – SOUTH SIDE OF MARIETTA AVENUE – REQUEST OF FINANCIAL SECURITY FOR PHASES 1B & 2.

Mr. Youtz informed the Board that he had received a written request from Roy

Zimmerman, developer of Eagles View releasing his Letter of Credit with Ephrata National Bank in the amount of \$4,200.00 for phases 1B and 2. Mr. Youtz stated that all items have been completed and he recommends that the Letter of Credit be released.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to release the Eagles View Letter of Credit in the amount of \$4,200.00 for Phases 1B and 2. Motion carried, 5-0.

V. OLD BUSINESS - NONE

VI. NEW BUSINESS

A. HEMPFIELD AREA RECREATION COMMISSION – CHANGE IN CONSTITUTION AND BY-LAWS.

Ron Youtz, Township Manager informed the Board that the drafted changes in the Constitution and By-Laws originally planned to be discussed tonight should be tabled to a future meeting as further research on the proposed changes are being conducted.

B. RESIGNATION OF AMELIA Z. SWIERNIK FROM THE ZONING HEARING BOARD.

Ron Youtz, Township Manager informed the Board that he had received a letter from Amelia Swiernik resigning from the Zoning Hearing Board. She is unable to continue do to personal reasons.

The Board stated and agreed that Amelia has brought professional expertise to the Zoning Hearing Board and they thanked her for the years of service and she will be missed.

Motion: Kent Gardner moved, seconded by Edward Fisher, to accept with regret Amelia Swiernik resignation from the Zoning Hearing Board effective August 13, 2013. Motion carried, 5-0.

C. DISCUSSION ON STORM WATER MANAGEMENT ORDINANCE.

Ron Youtz, Township Manager informed the Board that to be in compliance with Act 167 the Township is required to amend their current storm water ordinance which will be in compliance with the County's ordinance and with DEP regulations. He stated that he and staff have been working with Josele Cleary, Township Attorney and Ben Webber, Township Engineer. He provided the Board with information that he and staff felt are items of importance and to be considered for discussion. Mr. Youtz stated that he would like to have a draft ordinance by the September's Board meeting.

Mr. Youtz stated that one of the controversies is whether or not exemptions will be permitted. He asked if the current exemptions are to be changed or kept as the same. Ed

Fisher stated that for practical enforcement he would recommend the 1,000 sq.ft. exception remain. He also stated that the 1,000 sq. ft. is what other surrounding counties have been using. Mr. Youtz stated that 5,000 sq.ft. is what necessitates an E & S plan. Mr. Fisher stated that the rule will be a limit on earth disturbance.

Mr. Youtz asked if Agricultural exceptions should be continued and he suggested that modifications be made. Ed Fisher stated that a regulation should be imposed which will require a conservation plan and notification that they are implementing the conservation plan. He also suggested that the Township should be copied by a letter from the Conservation District or another entity acknowledging that the conservation plans are being implemented.

Kent Gardner questioned the number of acres that would be required for agricultural exemption. Mr. Youtz stated that the current ordinance is a little lack on the language but currently 20 acres. Mr. Fisher stated that there are Health Safety issues that will impact some projects and we should reserve the right to require a formal plan should that be a consideration.

Mr. Youtz stated that the Lancaster County Association of Township Supervisors put together a list of proposed standards to promote consistency from one municipality to another. Mr. Youtz informed the Board that any property that requires a storm water plan will be required to enter into a storm water management agreement.

Mr. Youtz informed the Board that Josele Clearly has prepared a form to be added as an appendix to the Ordinance for a storm water management agreement which will outline the reporting requirements and will aid in our MS4 permit requirements.

Mr. Youtz also stated that the language to post financial security in both the storm water ordinance and Subdivision Land Development ordinance be consistent.

Mr. Youtz stated that the Township's Planning Commission will review and make recommendations.

D. DISCUSSION ON NECESSARY CHANGES TO TOWNSHIP WEBSITE.

Ron Youtz, Township Manager informed the Board that Lancaster County will no longer host the Township website. Mr. Youtz stated that he and staff have been attending various meetings with website designers. He is hopeful that authorization can be made by the Board meeting in September when staff will present final recommendations.. He asked if the Board would have any comments or suggestions.

David Dumeyer suggested including a social media page. Kent Gardner suggested that consideration be made to go with a local company. Ed Fisher commented on the hosting fees, email maintenance fees and that updates should be made by Township staff.

E. AUTHORIZATION TO SELL EXCESS EQUIPMENT AT ATHE LANCASTER COUNTY AUCTION.

Mr. Youtz, Township Manager informed the Board that Lancaster County will hold their 34th annual auction on September 21, 2013. Mr. Youtz stated that there are several items that the Township and Police Department would like to place into this auction.

Public Works Department:

1. 1989 Mack, 338,997 miles/replaced with 2009 International
2. 1999 Dodge Dakota, 154,000 miles/replaced with 2012 F-150
3. Ferris 4 wheel zero turns/N441 2800 hrs/replaced with Kubota zero turn

Police Department:

1. 2010 Ford Crown Victoria/more than 89,000 miles
2. 10 bicycles in various condition either recovered or found
3. Going through Unclaimed property to verify whether or not anything else is eligible to be sold at auction.

Motion: Kent Gardner moved, seconded by Edward Fisher, to authorize the Township and Police Department Staff to participate and place various items in the Lancaster County September 21, 2013 auction. Motion carried, 5-0.

F. REQUEST FOR POLICE ASSISTANCE – CRUISEN 4 CHRYSTAL BENEFIT RIDE.

Police Chief Mark Pugliese informed the Board that he has received a letter from Mike Barnett requesting assistance from the West Hempfield Police Department to help along Prospect Road and various traffic signals on Saturday, September 21, 2013 for a benefit motorcycle ride called “Cruisin 4 Chrystal”.

Motion: Edward Fisher moved, seconded by Kent Gardner, to allow our Police Department personnel to assist as necessary with traffic control for the fundraising benefit “Cruisin 4 Chrystal” on Saturday, September 21, 2013 with no additional officers being used. Motion carried, 5-0.

G. REQUEST AUTHORIZATION TO PURCHASE ASPHALT ROLLER.

Ron Youtz, Township Manager informed the Board that they were provided with a memo from Dale Getz, Township Public Works Director explaining the purchase of a new asphalt roller. He also stated that the funds to purchase the new roller are allocated in the Liquid Fuels Fund.

Motion: Frank Burkhart moved, seconded by Kent Gardner, to accept the purchase of a new Volvo dual drum roller from Highway Equipment through the Co-Stars piggyback program. Motion carried, 5-0.

Motion: Kent Gardner moved, seconded by Edward Fisher, to approve the sale of our current Ingersoll-Rand Roller to the Lancaster County in the amount of \$6,500.00.
Motion carried, 5-0.

VII. ORDINANCES AND/OR RESOLUTIONS

A. ORDINANCE 1-13, NORTHWEST LANCASTER COUNTY RIVER TRAIL INTERGOVERNMENTAL COOPERATION AGREEMENT.

Mr. Youtz stated that the proposed Ordinance was prepared by the Township Solicitor authorizing execution of an agreement among Lancaster County, Columbia and Marietta Borough's, and Conoy, East Donegal and West Hempfield Townships pertaining to the Northwest Lancaster County River Trail.

Motion: Kent Gardner moved, seconded by Frank Burkhart, to adopt Ordinance 1-13, authorizing execution of an agreement among Lancaster County, Columbia and Marietta Borough's, and Conoy, East Donegal and West Hempfield Townships pertaining to the Northwest Lancaster County River Trail. Motion carried, 5-0.

Mr. Youtz informed the Board that they will need to make appointments to the newly created Advisory Board of the Northwest Lancaster County River Trail. One appointment needs to be an elected official and the second appointment needs to be a non-elected official. The matter will be placed on the agenda for their September 3rd meeting.

B. RESOLUTION 6-13, ACQUISITION OF UTILITY EASEMENTS FOR THE IRONVILLE SEWER PROJECT.

Ron Youtz, Township Manager asked the Board to consider for adoption Resolution 6-13, acquisition of utility easements for the Ironville Sewer Project. Acquiring these easements will allow us to complete the Ironville Sewer project.

Motion: Edward Fisher moved, seconded by Kent Gardner, to adopt Resolution 6-13, for the acquisition of utility easements for the Ironville Sewer Project. Motion carried, 5-0.

VIII. APPROVAL OF PAYABLES

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

Payroll/Taxes.....	\$167,841.29	Electronic Payment
General Fund.....	\$175,826.39	Checks 23927-24024
Street Light.....	\$ 4,327.64	Checks 357-358
Fire Hydrant.....	\$ 22,381.75	Checks 189-190
State Fund.....	\$ 76,481.05	Checks 2825-2831

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Sewer Fund.....	\$ 16,835.89	Checks 3675-3678
Refuse Fund.....	\$ 71,860.80	Checks 2095-2101

IX. ADJOURNMENT.

Motion: Kent Gardner moved, seconded by Edward Fisher, to adjourn the regular meeting at 8:45 p.m., and to go into Executive Session to discuss personnel issues and a real estate matter. Motion carried, 5-0.

Respectfully submitted,

Ron L. Youtz, Secretary