

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of January 3, 2022

The reorganizational meeting and regular monthly Board of Supervisors meeting was held at the West Hempfield Township Municipal Building, 3476 Marietta Avenue, Lancaster, Pennsylvania on Monday, January 3, 2022 at 7:30 p.m. The public was permitted to attend in-person or remotely via Zoom (video and audio), with instructions provided at the Township's internet website. The agenda posted to the Township's website and posted on the front window of the Township Building advised of the public's ability to attend in-person or remotely.

Chairman David Dumeyer and Board Members Kent Gardner, Edward Fisher, Robert Munro, and Naomi Martin were physically present at the meeting. Also in attendance were Township Manager Andrew Stern; Director of Land Use Dwayne Steager; Public Works Director Dale Getz; Police Chief Lisa Layden; and Township Engineer Melissa Kelly. Recording Secretary Judy Carrier was in attendance remotely via Zoom.

REORGANIZATIONAL MEETING

- A. CALL TO ORDER – David Dumeyer called the Reorganizational meeting to order with a moment of silence and the pledge of allegiance.
- B. Acknowledge Oath of Office.
David Dumeyer's re-election as a Township Supervisor and filing of Oath of Office on December 20, 2021 was acknowledged by the Board.
- C. Nomination and election of officers.
Kent Gardner moved, seconded Robert Munro by to elect David Dumeyer as Chairman and Edward Fisher as Vice-Chairman. Motion passed (5-0).
- D. Appointment of Secretary/Treasurer and Assistant Secretary/Treasurer.
Kent Gardner moved, seconded by Robert Munro to appoint Andrew Stern, Township Manager, as Secretary/Treasurer and to appoint Brenda Baumbach as Assistant Secretary/Treasurer. Motion carried (5-0).
- E. Appointment of Township Solicitor.
Robert Munro moved, seconded by Kent Gardner to **appoint** Josele Cleary of Morgan, Hallgren, Crosswell & Kane as Township Solicitor. Motion carried (5-0).
- F. Appointment to the West Hempfield Township Municipal Authority.
Kent Gardner moved, seconded by Robert Munro to **appoint** David Dumeyer to the West Hempfield Township Municipal Authority, term to expire December 31, 2026. Motion carried (5-0).
- G. Appointment of Special Counsel for Labor Matters.
Kent Gardner moved, seconded by Robert Munro to **appoint** Post & Schell, P.C. as Special Counsel for Labor Matters. Motion carried (5-0).

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- H. Appointment of Township Engineer.
Kent Gardner moved, seconded by Robert Munro to *appoint* Rettew Associates Township Engineer and C. S. Davidson as Alternate Township Engineer. Motion carried (5-0).
- I. Appointment of Sewage Enforcement Officer and Alternate.
Kent Gardner moved, seconded by Robert Munro to *appoint* Marvin Stoner SEO and David Lockhart as Alternate SEO. Motion carried (5-0).
- J. Appointment of Building Code Official.
Kent Gardner moved, seconded by Robert Munro to *appoint* Josh Nelson BCO, Commonwealth Code Inspection Service, Inc. as Building Code Official. Motion carried (5-0).
- K. Appointment of Zoning Officer.
Kent Gardner moved, seconded by Robert Munro to *appoint* Dwayne Steager, BCO, as Zoning Officer and Mandy Houck as Assistant Zoning Officer. Motion carried (5-0).
- L. Appointment of Auditor for our 2021 financial statements.
Kent Gardner moved, seconded by Robert Munro to *appoint* Bertz & Hess, Certified Public Accountants, to audit the Township's 2021 financial statements. Motion carried (5-0).
- M. Deleted
- N. Appointment to the Planning Commission
- a. Accept resignation of Amanda Hood, effective December 31, 2021.
Robert Munro moved, seconded by Kent Gardner to *accept* the resignation of Amanda Hood from the Planning Commission effective December 31, 2021. Motion carried (5-0).
 - b. John Rodman, term to expire December 31, 2025.
Kent Gardner moved, seconded by Robert Munro to *appoint* John Rodman to the Planning Commission, term to expire December 31, 2025.
 - c. James Stuckey, term to expire December 31, 2025.
Kent Gardner moved, seconded by Robert Munro to *appoint* James Stuckey to the Planning Commission, term to expire December 31, 2025. Motion carried (5-0).
 - d. Carl Manelius, term to expire December 31, 2022.
Kent Gardner moved, seconded by Robert Munro to *appoint* Carl Manelius to the Planning Commission, term to expire December 31, 2022. Motion carried (5-0).
- O. Appointment to Zoning Hearing Board.
- a. Amanda Hood, term to expire December 31, 2026, **Resolution 1-22**.
Kent Gardner moved, seconded by Robert Munro to adopt Resolution 1-22 *appointing* Amanda Hood to the Zoning Hearing Board, term to expire December 31, 2026. Motion carried (5-0).

- P. Appointment of Solicitor to Zoning Hearing Board.
a. Kent Gardner moved, seconded by Robert Munro to **appoint** Nikolaus & Hohenadel as Zoning Hearing Board Solicitor and to **appoint** Julie Miller, Russell Kraft & Gruber as Alternate Zoning Hearing Board Solicitor. Motion carried (5-0).
- Q. Appointment of Open Records Officer.
Kent Gardner moved, seconded by Robert Munro to **appoint** Mandy Houck as Administration Open Records Officer and to **appoint** Kerri Sensenig as Police Department Open Records Officer. Motion carried (5-0).
- R. Appointment to LASA Board.
Kent Gardner moved, seconded by Robert Munro to **appoint** Edward Fisher to the LASA Board, term to expire December 31, 2026. Motion carried (5-0).
- S. Appointment to Hempfield Rec Board.
Kent Gardner moved, seconded by Edward Fisher to **appoint** Robert Munro to the Hempfield Rec Board, term to expire December 31, 2024. Motion carried (5-0).
- T. Appointment of voting delegate for the PSATS state convention.
Kent Gardner moved, seconded by Robert Munro to **appoint** Andrew Stern as voting delegate for the PSATS state convention and to **appoint** David Dumeyer as the Alternate Voting Delegate for the PSATS state convention. Motion carried (5-0).
- U. Designation of depository for Township funds.
Robert Munro moved, seconded by Kent Gardner to **designate** Fulton Bank, ACNB Bank, PLGIT, and Charles Schwab as depository for Township funds. Motion carried (5-0).
- V. Set 2022 mileage reimbursement rate to be IRS standard rate of \$0.585/mile.
Robert Munro moved, seconded by Kent Gardner to **set** 2022 mileage reimbursement rate to be IRS standard rate of \$0.585/mile. Motion carried (5-0).
- W. Adopt 2022 Purchasing Policy.
Robert Munro moved, seconded by Kent Gardner to **adopt** the 2022 Purchasing Policy. Motion carried (5-0).
- X. TDR Fair Market Value.
Kent Gardner moved, seconded by Robert Munro to **adopt** Resolution 2-22 (per Ordinance 03-2021) establishing Estimated Fair Market Value of a Transferable Development Right for 2022. Motion carried (5-0).
- Y. Setting bond amount for Treasurer and Assistant Treasurer.
Kent Gardner moved, seconded by Robert Munro to **set** the 2022 bond amount for the Treasurer and Assistant Treasurer at \$1,500,000. Motion carried (5-0).

- Z. Adjournment of organizational meeting into regular meeting.
 Robert Munro moved, seconded by Kent Gardner to **adjourn** the Organizational Meeting into Regular Meeting at 7:45 p.m. Motion carried (5-0).

REGULAR MONTHLY MEETING

- A. CALL TO ORDER – Chairman Dumeyer called the meeting to order at 7:45 p.m.
- B. POLICE PROMOTION: CAPTAIN DOUGLAS OBER. On behalf of the Board of Supervisors, Chairman Dumeyer recognized Douglas Ober for his exemplary performance as Admin. Sergeant and his official promotion to the rank of Captain, effective immediately. During the almost twenty years since joining the West Hempfield Township Police Department and since his promotion to the rank of Sergeant and assignment to the position of Admin. Sergeant in 2019, Douglas Ober has demonstrated excellent leadership skills and commitment to the highest standards in law enforcement and has been an integral part of raising department performance standards. Captain Ober was then presented his new badge and his wife, Chelsea, pinned it on. A three minute break was taken to allow time for photographs.
- C. APPROVAL OF MINUTES – December 7, 2021.
Moved by Robert Munro and second by Edward Fisher to **approve** the Minutes of Dec.7, 2021 as presented. The motion carried (5-0).
- D. COMMUNICATIONS
 - 1. BOARD OF SUPERVISORS – None
 - 2. TOWNSHIP MANAGER – Andrew Stern reviewed his written report and asked the Board to share with him in congratulating Dwayne Steager for a job well done participating in the Lancaster Watershed Leadership Academy which just concluded. Dwayne has graduated and made a name for himself throughout the County and Region. A copy of Dwayne’s certificate and a “Scholar Spotlight” was included with Mr. Stern’s Report.

INTERNAL MATTERS

- 1. **Revenues.** Update on EIT and LST. Distributions from LCTCB are shown below.

	2019 YTD	2020 YTD	2021 YTD
EIT	\$2,379,461	\$2,396,502	\$2,546,275
LST	\$332,686	\$332,860	\$328,501
OTHER	\$27,332	\$11,249	\$7,740
NON-RESIDENT	<i>Not Yet Adopted</i>	\$13,563	\$32,912
TOTAL	\$2,739,479	\$2,754,174	\$2,915,428

*Above numbers are the amounts distributed to us, net of LCTCB fees.

- 1. **Green Light Go Funding.** PennDOT’s requests for this project have driven the cost to about \$133,000 (\$26,600 Township match). When we started the process, the

estimate was \$14,000 (\$2,800 Township match). We have thus put this project on hold for the foreseeable future.

2. **Reorg Appointments. REMINDER:** For the January 3, 2022 reorganizational meeting, you will be asked to make appointments for the PC and ZHB. For the PC, terms for John Rodman and James Stuckey are expiring – both have agreed to serve another term if the Board decides to reappoint them. For the ZHB, the term for Carl Manelius is expiring. We are proposing to move Amanda Hood from the Planning Commission to the ZHB and appoint Carl Manelius to the Planning Commission to replace Ms. Hood. We believe this change will be a better fit for each of these people. Both are aware and have agreed to the change.
3. **Woody Waste.** Dale is working to bring electric to the site so Security Fence can begin the project.
4. **2011 Crown Victoria.** The last Municibid highest bidder did provide the required \$5,300 and has taken title to the vehicle.
5. **Other Vehicles:** The first of the two Ford Interceptor SUV's has arrived and is awaiting upfitting for patrol use. The other, for the Chief, is delayed in production. The Public Works pickup truck has been manufactured and we are awaiting delivery any day.
6. **PSATS.** The PSATS Annual Conference is planned for April 24-27, 2022 in Hershey. **Please let me know if you plan to attend so that I may register you.**
7. **Goals. REMINDER:** During the Budget process, I provided my goals for 2022. Mr. Dumeyer has requested that I seek Board member goals as well. **What are your goals and/or priorities for 2022 as a Board?**

EXTERNAL MATTERS

1. **Stony Battery Road near Kauffman Road.** At the November meeting, a resident expressed concern about stormwater on Stony Battery Road near Tyco/TE near Kauffman Road. WHT staff has been working with EHT staff to develop solutions. EHT will soon be making a few adjustments to the grass area at Tyco/TE's driveway. EHT plans to install a new pathway, along with developers along Stony Battery. As part of this, they are seeking our approval to remove the street that connects to Kauffman. EHT would then install a path on their side of the ROW (or use the existing pavement for the path). Our side would revert to grass. This would help with stormwater runoff from Kauffman to Stony Battery and will also help with visibility issues at this odd intersection. *Mr. Stern reported that EHT has made the correction.*
2. **Columbia-Wrightsville 462 Bridge.** A follow-up meeting with the municipalities, PennDOT, DCNR, both counties, and several state legislatures will be held on January 6. The purpose of this meeting will be to continue discussing the state's desire, and our resistance to, the idea of the municipalities paying for the maintenance

of the bike lane, sidewalks, and lighting for the reconstructed 462 bridge upon its completion. *Mr. Stern stated the meeting will be held this Thursday at 1:00 p.m. and Mr. Dumeyer and Mr. Munro will be attending.*

PERSONNEL

1. **Staffing.** *We remain 100% staffed!*
2. **2022 Positions.** For 2022, I will be the LIMC Secretary and the LCTCB Treasurer.
3. **Dwayne.** As you are aware, Dwayne has been participating in the Lancaster Watershed Leadership Academy for quite some time. This just concluded and Dwayne “graduated”. He has made us all proud and made a name for himself throughout the County and region. Please share with me in congratulating him for a job well done! I have attached a copy of his certificate and a “Scholar Spotlight”.

OUTSIDE BOARDS AND COMMITTEES

1. **LIMC:** Our next meeting will be February 9, 2021, 7:30 am, at Manor Township.

CORRESPONDENCE

1. **RHI Magnesita.** We have been notified of regulated substances stored upstream of the Township in York, PA.
2. **Purdue.** We have been notified of upstream chemical storage at their facility in Marietta, PA.

3.TREASURER’S REPORT – DECEMBER 2021 FINANCIALS

General Fund	\$ 4,858,973.71
Refuse Fund	\$ 911,253.34
Street Light Fund	\$ 24,553.66
TDR Fund	\$ 744,122.66
State Liquid Fund	\$ 995,655.54
Police Pension Fund	\$ 9,333,778.00
Non-Uniform Pension Fund	\$ 3,166,596.11
Recreation	\$ 42,079.18
Highway	\$ 991,368.84
Health Care (HRA)	\$ 26,838.65
MS4 Stormwater	\$ 214,436.31
Fire Tax	\$ 76,710.99
Fire Hydrant	\$ 228,729.38
TOTAL ALL FUNDS	\$ 21,615,096.37

Mr. Stern noted that the Authority Report was erroneously included in this report for the last month or two.

3. DEPARTMENT REPORTS: POLICE, PUBLIC WORKS, ZONING/LAND USE, FIRE, EMS

Police – Chief Layden submitted a written report, and had nothing significant to add to the report. She did note that she has received the annual report on the Lancaster County Crash Team and has provided copies to the Board.

Public Works – Dale Getz thanked the Board for all the support given to Public Works in 2021. He submitted a written report and remarked that leaf removal was a tough season this past year. He then requested permission to advertise for the road project for 2022. ***Permission was unanimously granted by the Board.***

Zoning/Land Use – Dwayne Steager submitted a written report and remarked that they are running strong on the Permits. There were no comments or questions.

Fire – There were no questions or comments on the reports received.

EMS – Penn State Life Lion filed a report and Andrew Stern has been in constant communication with them. The biggest concern is the amount of time spent in transporting due to hospital overload. Mr. Stern stated that Penn State has been very accommodating with him regarding the concerns.

4. TOWNSHIP ENGINEER’S REPORT – Melissa Kelly thanked the Board for appointing Rettew Associates as Township Engineer for 2022. She reviewed her monthly report and discussed Rt. 23 potential traffic calming. There was discussion concerning PennDOT, Right-of-Way and potential costs. Melissa stated the potential cost to look into this would be \$1,500 to \$2,500. The Board concurred.

5. RESIDENTS: PUBLIC COMMENT ON NON-AGENDA ITEMS – None

E. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

In the past, my SALDO memo identified projects as either **BRIEFING** or **ACTION**. With the recent passage of Pennsylvania Act 65, I am no longer identifying projects in this manner. They will simply be agenda items. In my recommendations below, I will suggest whether they are ready for action or not. By identifying them as BRIEFING, Act 65 may prevent you from acting on the plan even if an applicant requests it and it is ready by the meeting time.

1. **4308 Marietta Ave. WHTPC 11-2021**
Stormwater Management Plan
Location: 4308 Marietta Avenue
Zoned: RA
Lot Size: 3.20 Acres/ 139,392.0 ft²
A. Section 122-48.A.2.c – Loading Ratio

The applicant has requested a modification of the requirement to provide all stormwater management facilities within Karst areas with a maximum 3:1 impervious drainage area to infiltration area loading ratio. In the alternative, impervious loading ratios of 3.38:1 and 4.92:1 are proposed for Rain Gardens 1 and 2 respectively.

The Township Engineer has recommended approval of this request based upon the justification and alternative provided.

Randy Dautrich, Dautrich Engineering, was present for tonight's presentation to answer comments or questions by the Board.

Action Required

- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the Requested Waiver of Sections Section 122-48.A.2.c – Loading Ratio – based upon the justification and alternative provided by the Township Engineer with the condition that all issues be resolved to the satisfaction of the Township Engineer and Township Staff. The motion passed (5-0).
- ❖ **Motion** was made by Edward Fisher and seconded by Kent Gardner to **approve** the Stormwater Management Plan for 4308 Marietta Avenue with the condition that all issues be resolved to the satisfaction of the Township Engineer and Township Staff. The motion passed (5-0).

F. UNFINISHED BUSINESS

1. Conditional Use #86, CBD, LLC Preserve at Silver Spring.
 - a) Render Decision – **Moved** by Edward Fisher and seconded by Kent Gardner to **waive** reading of the communication a part of the decision, **approve** the Conditional Use as as presented and discussed and **forward** to the applicant for their review. Unanimously carried by the Board (5-0).
2. Woody Waste Policy for 2022. Andrew Stern referred to his memo dated December 23, 2021 and asked for the Board's input. He would like to have a Resolution before the Board of Supervisors to set the policy.

G. NEW BUSINESS

1. Authorize sale of 2015 Ford Interceptor police vehicle on Municibid. Andrew Stern Oard of Supervisos of West Hempfield Township authorizing the Township to enter into the settlement agreements with McKesson Corporation vehicle on Municibid once the new vehicle is in service. **Moved** by Robert Munro and seconded by Kent Gardner to **authorize** sale of 2015 Ford Interceptor police vehicle on Municibid once the new vehicle is in service. Motion carried (5-0).
2. Short Term Disability (STD) Insurance. Andrew Stern referred to his memo dated December 31, 2021 which explained the issue and his recommendation. The Board

determined additional time is needed to review this information and it will be placed on the Next Board of Supervisors meeting agenda.

3. Request to waive Winter Open Cut Permit Moratorium.
 - a) 905 Gemstone Drive. Andrew Stern provided an email that explained the situation. Following discussion, **motion** was made by Kent Gardner and seconded by Edward Fisher to **approve** the request to waive the Winter Open Cut Permit Moratorium as presented and discussed. The motion passed (5-0).

H. ORDINANCES AND RESOLUTIONS

1. Resolution 3-22: Opioid Settlement. **Moved** by Kent Gardner and seconded by Robert Munro to **adopt** Resolution 3-22, a Resolution of the Board of Supervisors of West Hempfield Township authorizing the Township to enter into the settlement agreements with McKesson Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., and agree to the terms of the Pennsylvania Opioid misuse and additionabatement trust. The motion passed (5-0).

I. APPROVAL OF PAYABLES – DECEMBER

PAYROLL & TAXES	\$ 338,906.07	EFT
FULTON - GENERAL FUND	\$ 286,410.19	4147 - 4278
FULTON - MS4	\$ 25,897.70	1054
FULTON - REFUSE	\$ 175,792.86	1139 -1147
FULTON - STREET LIGHT	\$ 4,592.18	1048
FULTON - MUNICIPAL AUTHORITY	\$ 1,037.00	3-4
FULTON - STATE FUND	\$ 42,642.96	1237 - 1242
TOTAL	\$ 875,278.96	

Moved by Kent Gardner and seconded by Robert Munro to **approve** payment of all bills between December 1, 2021 and December 31, 2021, and any residuals that may be forthcoming. Motion carried (5-0).

J. GOOD OF THE ORDER

UPCOMING MEETING: TUESDAY, FEBRUARY 1, 2022: Regular Meeting beginning at 7:30 P.M.

K. ADJOURNMENT

- **Motion** was made by Kent Gardner and seconded by Robert Munro to *adjourn* the regular monthly meeting and move into the Municipal Authority meeting at 8:55 p.m. The motion passed (5-0).

Respectfully submitted,



Andrew Stern,
Township Manager

