

WEST HEMPFIELD TOWNSHIP SUPERVISORS MEETING
Minutes of June 6, 2017

The regularly scheduled meeting of the Board of Supervisors was held at the Township Municipal Office, 3401 Marietta Avenue, Lancaster, Pennsylvania on Tuesday, June 6, 2017. Chairman David Dumeyer and Board members Frank Burkhart, Edward Fisher, Kent Gardner and Naomi Martin were present. Also in attendance were: Township Manager Andrew Stern; Chief of Police Mark Pugliese I; Public Works Director Dale Getz; and Judith Carrier serving as Recording Secretary. Zoning Officer Jodi Heffner and Brenda Baumbach, Finance/Personnel Director were not present for the meeting.

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.

A. May 2, 2017 regular meeting.

- **Motion:** Moved by Edward Fisher and seconded by Kent Gardner to *approve* the Board's May 2, 2017 regular meeting minutes as presented. Motion unanimously carried, (5-0).

III. COMMUNICATIONS.

A. BOARD OF SUPERVISORS.

1. Kent Gardner reported that the LIMC meeting has been moved to the second Wednesday in July (7/12) and tomorrow (6/7) the Chiques Creek Watershed Alliance is part of Lancaster Water Week.
2. Edward Fisher noted that someone or some group has placed very small inspirationally painted rocks all the way around the path at Lake Grubb. They are very tastefully done and very well placed and he thanked whoever is responsible.
3. Frank Burkhart remarked that the road crew is doing a very good job using the new mower. Andrew Stern stated that the bank was cut by East Hempfield Township and the new mower was used for the rest of the mowing.

B. TOWNSHIP MANAGER.

NOTE: At the May meeting, the Board presented several awards to police officers. Mr. Steven Henry was not able to be present but has asked that his lifesaving award be presented at the June meeting so his family can be present. Mr. Stern has placed this on the agenda under the police report.

INTERNAL MATTERS

1. **Comprehensive Plan:** We had planned to have a Joint PC/Board meeting on June 15, 2017, to continue land use discussions. I need to know if we are still having this meeting and what topic you wish to discuss. I had planned to provide both boards with a draft future land use map, but due to a staff resignation at the Farmland Trust I am still awaiting information needed to finalize this.
 - ❖ **Discussion:** The Board decided NOT to meet June 15, 2017.
2. **LASA:** Agreements are on the agenda for consideration – the sale of our sewer system and the Raintree sewer extension.
3. **Pipeline:** Sgt. Brace and I attended a meeting on May 4 hosted by Senator Martin. Officials from North Dakota joined us via Skype and discussed the magnitude of problems protestors brought to their communities during their recent pipeline project. The biggest takeaway for me was that an overwhelming majority of the problems were caused by out-of-state protestors, not their local residents and property owners. The total cost to North Dakota communities is estimated to be over \$38 million, most of which included police costs and cleanup costs. I will be working with our police and our neighboring communities to plan for what may come our way soon.
4. **MS4:** We have worked with DEP to reduce the number of watersheds from 6 to 4 within our Township (and if you look ahead at the next item in my report, we will really only need to focus on 3 watersheds). This does not reduce potential cost or our responsibilities, but it does give us some extra flexibility with potential projects. We have also identified potential projects which would meet our 2018-2023 obligations, which you will see in our Draft Pollution Reduction Plan (PRP) at your July meeting.
5. **MS4 – East Hempfield Township:** I am working with East Hempfield Township on a potential ‘trade’ of sediment reduction requirements. This agreement would be through the CLC-COG we are hopefully joining. The details of this trade will be in the Pollution Reduction Plan which will be before you at your July meeting. For now, I am seeking your approval to include the following in the DRAFT PRP:
 - a. West Hempfield Township will partner with East Hempfield Township by completing projects to reduce East Hempfield Township’s 15,546+/- pounds of required sediment reduction in the Lower Chiques watershed.
 - b. East Hempfield Township will partner with West Hempfield Township by completing projects to reduce West Hempfield Township’s 17,581+/- pounds of required sediment reduction in the West Branch Little Conestoga watershed. West Hempfield also will contribute a payment equivalent to the cost to reduce 2,035+/- pounds of sediment reduction (to cover the difference in amounts ‘traded’).

- c. West Hempfield Township will include in our PRP stormwater/MS4 work at the East Hempfield Township Four Seasons Golf Club as a potential partnership opportunity (with East Hempfield and East Petersburg) to help West Hempfield Township meet our required sediment reduction within the Miller's Run/Little Conestoga watershed.
6. **Small Games of Chance:** At last month's meeting, a representative of the Marine Corps League requested the Board consider allowing Small Games of Chance within the Township. Since then, I have researched this matter with our Solicitor and found that the matter must be decided via a referendum on the ballot of a municipal primary election, the next one being in May of 2019. The matter can be placed on the ballot by resolution of the Board or by petition signed by at least 25% or more of the highest vote cast for any office in the last preceding election of the voters in West Hempfield Township.
7. **Newsletter:** As you are aware, we publish a newsletter twice a year, at a cost of approximately \$3,080 each (plus postage). Several other Townships sell advertisements to offset their newsletter costs. I have asked our newsletter publisher for price comparison. We currently have a 6 page newsletter. If we want to include ads, we'd need to go to an 8 page newsletter. If we are able to sell about 8 ads we can reduce our cost by about \$1,775 each, or \$3,550 annually. If we sell more ads, then our costs would be reduced further.

❖ **Discussion:** The Board indicated that they support staff working to sell ads for the next newsletter.

BUILDING PROJECT

1. **Schedule Update:** The new building is currently ahead of schedule and below budget. Subject to change, the builder is hoping to be done 1 to 2 months ahead of the July 6 required completion date. Obviously this is weather dependent.
2. **Financial Update:** To date, we have received close to \$100,000 in credits (negative change orders) from the contractors. I will continue to work with them to identify other cost saving opportunities as the project moves forward.
3. **New Building Stormwater Pipe:** The pipe through the Heisey farm has been installed. We have kept in touch with Mr. Heisey and he is pleased with the work. Per the agreement, we did pay him \$500 to relocate his recently planted trees. As we did not delay his soybean planting, he did not request payment for any lost crops.
4. **Access Control & Security System:** This is an agenda item with a separate memo.
5. **LiveScan/CPIN:** This is an agenda item with an explanation in the Police Chief's report.

EXTERNAL MATTERS

1. **HARC:** A golf tournament will be held on Friday, July 28, 2017 at Four Seasons. HARC is seeking sponsorships of \$100, \$150, or \$500, and/or golfers for \$75/each or \$300/foursome. This is their first year doing this.
 - ❖ **Discussion:** The Board would like to see the Township have some participation and agreed to participate by way of a \$100.00 sponsorship. No action was required.
2. **Discover Lancaster:** A request has been made to the County Commissioners to raise the lodging excise tax from 1.1% to 3%. While I do not believe we have been formally asked to support or object to their request, a few other municipalities have provided an official position on the matter. I have attached information on this subject.
3. **St. Mary's Coptic Church:** Appeals have been filed to the Zoning Hearing Board concerning the height of the proposed new church at Summit and Marietta. Given the complexities of the issues involved and the magnitude of the relief being sought, I have asked Attorney Josele Cleary to represent the Township and to voice our opposition to anything "unreasonable" being granted. Should the Board feel differently about this, please let me know. The meeting is June 13.

PERSONNEL

1. **MS4/Stormwater:** I have assigned Dwayne Steager the role of 'Stormwater Officer' for the Township. This will start off as a part-time role as he continues to assist public works with his other assigned duties. I anticipate the position will grow as our new DEP MS4 requirements kick in.

Dwayne will be coordinating:

- DEP Mandated Minimum Control Measures (MCM's)
- Stormwater Complaints
- Coordination of projects with Rettew
- Documentation of everything Stormwater/MS4 related for the Township

It is my hope that his work with Stormwater will result in a savings based on what we are paying Rettew.

OUTSIDE BOARDS AND COMMITTEES

1. Nothing new to report.

CORRESPONDENCE

1. **Lancaster County Tax Assessment:** We have been notified that a Disabled Veteran's tax exemption was issued for property at 880 Farmdale Road.
2. **Lancaster County Tax Assessment:** We have been notified that the Board of Assessment Appeals will be voting at their June 14 meeting to exempt West

Hempfield Township from taxes for our new municipal building and to grant a disabled veterans exemption for property at 500 Bald Eagle Court.

3. **Pennsylvania LCB:** We have been notified of a request to transfer a license from Pronto Pizza in Leola, PA to Rutter's (Hempland Rd.).
4. **Pennsylvania LCB:** We have been notified of a request to transfer a license from J Pennino (Bell Vista Bar & Grill, Columbia, PA) to Turkey Hill (Prospect Rd.).
5. **720 Hempfield Hill Road:** We have been notified by Land Studies of an intent to submit a GP7 permit application to the state to replace a collapsing culvert on a private driveway.
6. **Sylvan View 3:** We have been notified by DMA that an application has been made to LASA for sanitary sewer to be connected to Sylvan View, Phase 3.
7. **J&J Material Handling:** We have been notified by PA DEP of their receipt of a Remedial Investigation Report and Cleanup Plan pertaining to property at 1820 Franklin Street, Columbia, PA.

C. TREASURER'S REPORT: APRIL 2017 FINANCIALS.

General Fund	\$ 1,760,016.58
Sewer Fund	\$ 240,015.97
Refuse Fund	\$ 337,240.46
Street Light Fund	\$ 14,498.70
Fire Hydrant Fund	\$ 38,226.85
TDR Fund	\$ 426,761.55
State Liquid Fund	\$ 851,441.69
Police Pension Fund	\$ 6,247,637.02
Non-Uniform Pension Fund	\$ 2,078,189.29
Recreation	\$ 15,345.05
Highway	\$ 830,323.16
Post Retirement	\$ 24,975.00
Health Care (HRA)	\$ 29,738.44
Total All Funds April 2017	\$ 12,894,409.76

D. DEPARTMENT REPORTS: PUBLIC WORKS, ZONING/LAND USE, FIRE

Written reports were received from the Public Works, Zoning/Land Use and Fire Departments. There were no comments or questions (Board or Public).

E. DEPARTMENT REPORT: POLICE.

1. **Presentation of Lifesaving Award to Steven Henry.** Chairman Dumeyer read the Commendation.

Each year the West Hempfield Township Board of Supervisors recognizes members of our police department and/or citizens in our community for actions that they had taken during the previous year that are believed to have been above what is expected of them and in some instances, have helped save or prolong a life of another individual. Last month we had our annual Award and Commendations Ceremony; however, there was an individual who was not able to attend and we would like to recognize him at this time.

Mr. Steven Henry is being recognized with the West Hempfield Township Police Department's **LIFE SAVING AWARD**. Mr. Henry was asked to come forward.

On April 4, 2016, at approximately 9:40 p.m., officers were dispatched to a residence on Hemlock Drive to assist Emergency Medical Services with a reported cardiac arrest. The first responding officers to arrive on the scene found the victim unconscious and unresponsive. Officers immediately began lifesaving measures, which included CPR and the activation of an AED. Another officer as well as a civilian, Steven Henry, a neighbor, assisted the first arriving officers and continued all measures until EMS personnel arrived on the scene. The victim's heart rhythm and breathing were restored and he was transported to a medical facility where he was admitted for treatment and eventually released.

For his actions, Mr. Steven C. Henry, Jr. is hereby awarded the West Hempfield Township Police Department's Life Saving Award. Police Chief Mark Pugliese presented the plaque. A short recess was taken to allow family members to take photographs.

F. RESIDENTS.

TRAFFIC - SPEEDING, NOISE AND SAFETY CONCERNS

Doris Russ, West Broad Street, Salunga, opened the topic of traffic speeding concerns. She thanked the police for being helpful when she contacts them regarding dogs running loose and was present at tonight's meeting on behalf of Broad Street residents to report that motorcycles and cars are ignoring the 25mph limit posted on Broad Street and speeding at 45-50 mph. There is very little visibility when coming up to the stop sign. Mr. Ken Smith stated this is a very densely populated area, automobiles speed off Rt. 462 and there is no place to walk or ride mobility scooters. The swimming pool is now open and this increases the number of pedestrians. Amy Hackman, also of Broad Street, stated she would like to see tractor trailers limited on the street and asked if

rumble strips could be installed across the street to slow traffic down and help reduce traffic noise. The possibility of raised intersections like those found in Willow Street was discussed. A neighbor living next to QVC remarked about the blind curve at that area and asked why there is no left turn at the light. The Board advised that PennDOT regulations do not warrant that.

Police Chief Mark Pugliese reported a speed study was done which reflected 60% are obeying the speed limit and 40% are not . . . in general, 85% of traffic was going 35 mph (10 miles over posted limit). The police are doing random enforcement and the worst times are during 6-8 a.m. and 4-6 p.m. Chief Pugliese will look into anything else that may be helpful such as trimming the bushes for more visibility, assigning a patrol car to monitor the traffic, placing an electronic speed sign and regular speed checks.

IV. SUBDIVISIONS, LAND DEVELOPMENTS, AND PLANNING MODULES.

AGENDA ITEMS:

A. Tom Snyder – WHTPC 15-16

Request for Release of Financial Security

Location: 755 Kinderhook Road

The applicant is requesting a full release of their financial security. The Township Engineer recommends that the financial security be released in its entirety in the amount of \$7,967.90. There is an outstanding escrow balance due.

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *approve* the full release of the financial security in the amount of \$7,967.90 contingent on the outstanding bills being paid. The motion passed (5-0).

B. 4644 Oriole Drive – WHTPC 7-16

Request for Release of Bond

Location: 4644 Oriole Drive

The applicant is requesting release of their bond. The Township Engineer recommends that the bond be released in its entirety for \$14,209.30. There is an outstanding escrow balance due.

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *approve* the full release of the bond in the amount of \$14,209.30 contingent on the outstanding bills being paid. The motion passed (5-0).

C. 3775 Hempland Road (Erin Court Partners) – WHTPC 13-06

Request for Release of Letter of Credit

Location: 3775 Hempland Road

The applicant is requesting release of their letter of credit. The Township Engineer recommends that the letter of credit be released in its entirety for \$68,550.00. There is an outstanding escrow balance due.

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *approve* the full release of the letter of credit in the amount of \$68,550.00 contingent on the outstanding bills being paid. The motion passed (5-0).

D. 3909 Abel Drive WHTPC 13-06
Request for Reduction of Financial Security
Location: 3909 Abel Drive

The applicant is requesting a reduction in their financial security. The Township Engineer recommends that the financial security be reduced by \$53,726.90 which will leave a new outstanding financial security balance of \$158,605.00

- **Motion:** Motion was made by Edward Fisher and seconded by Kent Gardner to *approve* the reduction of financial security by \$53,726.90 which will leave a new outstanding financial security balance of \$158,605.00. The motion passed (5-0).

E. Greg Whitney and Natalie Burk – WHTPC 5-17
Major Land Disturbance Plan
Location: 733 High Ridge Road
Zone: RA
Acreage: 6.7

The applicant is proposing to install a new pool behind their existing house along with concrete decking and walls. An underground recharge bed will be constructed to control storm water runoff.

Applicant indicates that storm water management was not designed for the driveway widening and carport addition to garage which total 2,131 square feet of impervious. **The Township does not have a record of permits being obtained for the carport or driveway widening.**

On April 20, 2017 the Greg Whitney and Natalie Burk Major Land Disturbance Plan was presented to the Planning Commission as an agenda item.

- **Motion:** Motion was made by Edward Fisher, seconded by Kent Gardner and passed by the Board (5-0) to *approve* the Greg Whitney and Natalie Burk Major Land Disturbance Plan, contingent on the following Township Engineer's comments being addressed:

1. Financial Security in the amount of \$20,025.72 and a financial security agreement being provided (§122-37.2, 122-55.1).
2. All plan certificates, required by Section 122-38, need to be completed prior to recording the plan (§122-38.3).
3. An ownership and maintenance (O&M) program, in a recordable form acceptable to the Township, that clearly sets forth the ownership and maintenance responsibility of all temporary and permanent storm water management facilities and erosion and sedimentation control facilities needs to be provided (§122-43.1.C).

V. NEW MUNICIPAL COMPLEX.

A. UPDATE.

The new building is currently ahead of schedule and below budget. Subject to change and weather dependent, the builder is hoping to be done 1 to 2 months ahead of the July 6, 2018 required completion date. The stormwater pipe through the Heisey farm has been installed. We have kept in touch with Mr. Heisey and he is pleased with the work. Per the agreement, we did pay him \$500 to relocate his recently planted trees. As we did not delay his soybean planting, he did not request payment for any lost crops.

B. FINANCE & CHANGE ORDER SUMMARIES.

To date, we have received close to \$100,000 in credits (negative change orders) from the contractors. Andrew Stern provided a financial report and a summary of change orders which were reviewed and discussed. Mr. Stern will continue to work with the contractors to identify other cost saving opportunities as the project moves forward.

C. PURCHASE OF ACCESS CONTROL AND SECURITY SYSTEM (VIA CHANGE ORDER TO HB FRAZER), \$172,707.15.

Andrew Stern reviewed his memorandum dated May 31, 2017 pertaining to the recent decision to work through the electrical contractor on the selection of subcontractors for access control and security cameras and a specialty audio/video system to ensure that the most appropriate system is selected to protect the Township. Mr. Stern reported he and Chief Pugliese have been spending significant time with vendors to identify what is best for the Township within a reasonable price range and they have finalized the scope and approximate price, although they are still finalizing the vendors.

The total quoted price is \$172,707.15 which slightly exceeds the \$155,000 originally allocated. Mr. Stern explained that while working through our electrician may cost a little more than contracting the work directly to each vendor, it will ensure an integrated installation with less chance for significant problems later. Mr. Stern further explained that the LiveScan CPIN system quote came in about \$50,000 less than originally

budgeted; thus, we are still at a net negative on these additional items. Based on the above, Mr. Stern is seeking board approval to proceed as presented with a cost of \$172,707.15 via a change order to HB Frazer Company.

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to approve the purchase of Access Control and Security System with a cost not to exceed \$173,000 via a change order to HB Frazer Company. The motion passed (5-0).

D. PURCHASE OF LIVESCAN AND MUGSHOT CAPTURING (CPIN) STATION, \$41,669.30.

As reported in the April 2017 Monthly Police Department Report, Chief Mark Pugliese has been in discussions with neighboring police chiefs as well as PA Chiefs of Police Association and PA Commission on Crime & Delinquency with regard to LiveSCAN/CPIN (fingerprinting & photographing computer system). He reported that the PA Chiefs and PA Commission on Crime & Delinquency recommend that we move forward now on obtaining CPIN & LiveScan.

There will be no cost to hook up the equipment in the new facility. The manufacturer will “pack” the equipment and re-install it; however, the Township will be responsible to actually move it to the new facility.

Chief Pugliese remarked that monies for CPIN/LiveScan are already allocated under the new building project budget. A new MOU is being drafted for distribution of fees charged to subjects processed using CPIN/LiveScan. The current fee structure reimburses the Township \$100.00 per subject processed. The new MOU is expected to be closer to \$200.00 per subject processed.

Chief Pugliese is recommending the Board approve a motion to purchase and install LiveScan and Mugshot Capturing (CPIN).

- **Motion:** Motion was made by Kent Gardner and seconded by Edward Fisher to ***approve*** purchase and installation of LiveScan and Mugshot Capture Station All-In-One booking workstation as presented at a cost not to exceed \$42,000 per the quote received from the Pennsylvania Chiefs of Police Association. The motion passed (5-0).

E. UGI NATURAL GAS AGREEMENT, \$31,000.

Andrew Stern presented the customer agreement letter dated June 6, 2017 received from UGI to extend natural gas service to the new West Hempfield Township building under construction at 3476 Marietta Avenue, Lancaster, PA and the request for non-refundable Contribution In Aid of Construction in the amount of \$31,000. He explained that the actual cost to UGI is approximately \$100,000, but that he and his predecessor

Jim Williams, had negotiated down the cost to the Township. Mr. Stern requested that the Board approve the contract and give the Manager authority to make any changes that would be of benefit to the Township.

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *accept* the UGI Customer Agreement Letter dated June 6, 2017 to extend natural gas service to the new West Hempfield Township building under construction at 3476 Marietta Avenue, Lancaster, PA, at a cost of not more than \$31,000 and to *authorize* the Township Manager to make any changes, according to the terms as outlined, that would be of benefit to the Township. The motion passed (5-0).

VI. UNFINISHED BUSINESS - NONE

VII. NEW BUSINESS.

A. FIRE POLICE APPOINTMENT: REBECCA L. SMITH.

Chief Pugliese reported that Special Fire Police Captain Charles Clark of the West Hempfield Township Fire Department requested background checks on two applicants that are being considered by the Fire Company for the position of Special Fire Police Officer.

Based on the letter received from Sergeant George Brace, Chief Pugliese recommended that the Board approve Rebecca L. Smith for the position of West Hempfield Township Special Fire Police Officer.

- **Motion:** Motion was made by Edward Fisher and seconded by Frank Burkhart to *appoint* Rebecca L. Smith to the position of Special Fire Police Officer. The motion passed (5-0).

VIII. ORDINANCES AND RESOLUTIONS

A. ORDINANCE 3-17: HARC REVISED INTERGOVERNMENTAL AGREEMENT

TABLED - Based on a review by Township Solicitor Josele Cleary, the HARC Revised Intergovernmental Agreement is not yet ready for action. Attorney Cleary's comments have been forwarded to HARC.

B. ORDINANCE 4-17: CLC-COG MEMBERSHIP

West Hempfield Township has determined to enter into the Central Lancaster County Councils of Governments Agreement with East Hempfield Township, East Petersburg Borough and Manheim Township in order to provide for the creation and governance of the Central Lancaster County Council of Governments and the participation of the Municipality.

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *adopt* Ordinance No. 4-17, an ordinance approving and authorizing West Hempfield Township to enter into the Central Lancaster County Council of Governments Agreement, pursuant to the Intergovernmental Cooperation Law, 53 PA. C.S.A., Chapter 23, Sub-chapter A. The motion passed (5-0).

C. AGREEMENT: CLC-COG MEMBERSHIP

As authorized by the Intergovernmental Cooperation Law, as amended (“Act”), 53 PA. C.S.A. of the Commonwealth of Pennsylvania (“Commonwealth”), West Hempfield Township, East Petersburg Borough, East Hempfield Township and Manheim Township have determined to form the Central Lancaster County Council of Governments (“COG”) to provide a forum for the local governments which become members (individually, a “Member”, and one or more, the “Members”) of the COG to discuss, study, coordinate and implement any matter of mutual interest concerning the functions, powers and responsibilities of such Members.

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart to *execute* the Central Lancaster County Council of Governments Agreement made between West Hempfield Township, East Petersburg Borough, East Hempfield Township and Manheim Township, all of Lancaster County, Pennsylvania. The motion passed (5-0).

D. AGREEMENT: MS4 PRP - EAST HEMPFIELD TOWNSHIP

Andrew Stern is working with East Hempfield Township on a potential ‘trade’ of sediment reduction requirements. This agreement would be through the CLC-COG we are joining. The details of this trade will be in the Pollution Reduction Plan which will be before the Board at the July 11, 2017 meeting. Mr. Stern is seeking Board approval to include the following in the DRAFT PRP:

- a. West Hempfield Township will partner with East Hempfield Township by completing projects to reduce East Hempfield Township’s 15,546+/- pounds of required sediment reduction in the Lower Chiques watershed.
- b. East Hempfield Township will partner with West Hempfield Township by completing projects to reduce West Hempfield Township’s 17,581+/- pounds of required sediment reduction in the West Branch Little Conestoga watershed. West Hempfield also will contribute a payment equivalent to the cost to reduce 2,035+/- pounds of sediment reduction (to cover the difference in amounts ‘traded’).
- c. West Hempfield Township will include in our PRP stormwater/MS4 work at the East Hempfield Township Four Seasons Golf Club as a potential partnership opportunity (with East Hempfield and East Petersburg) to help West Hempfield Township meet our required sediment reduction within the Miller’s Run/Little Conestoga watershed.

The Board *concurred* with Mr. Stern's request to include above items (a), (b), and (c) in the DRAFT PRP.

E. AGREEMENTS: LASA - SALE OF SEWER SYSTEM.

Andrew Stern briefly described the procedures pertaining to the sale of the West Hempfield Sanitary Sewer System to the Lancaster Area Sewer Authority. Copies of three Agreements and suggested motions for each were provided by LASA's attorneys for consideration and approval at tonight's meeting. Mr. Stern advised that West Hempfield Township Solicitor Josele Cleary has reviewed and is in agreement with the documents and motions as submitted. Representatives from Barley Snyder LLP were present to address any questions or concerns. A pre-closing date is scheduled for June 27 or 28 and explanatory letters will be sent out to customers the beginning of July.

1. AGREEMENT: LASA - ASSET PURCHASE AGREEMENT FOR THE ACQUISITION OF THE ASSETS OF CERTAIN PORTIONS OF THE WASTEWATER SYSTEM OF WEST HEMPFIELD TOWNSHIP BY LANCASTER AREA SEWER AUTHORITY.

The Township currently owns, operates and maintains portions of a sanitary sewer system serving generally the Klinesville, Heatherbank and Ironville areas of the Township (the "Township Service Area") while LASA owns, operates and maintains a sanitary sewer system serving the remaining portions of the Township which are provided with public sewer service. West Hempfield Township and the Lancaster Area Sewer Authority believe it is in the best interests of both the Township and LASA for the Township to sell the sewer collection lines and facilities serving the Township Service Area to LASA, which will agree to own and maintain said facilities under the terms of the Asset Purchase Agreement.

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart that the Board *authorize* the sale of the West Hempfield Township sewer system to the Lancaster Area Sewer Authority pursuant to the Asset Purchase Agreement between the Township and LASA; that the Board *authorize and direct* any officer of the Township to execute the Asset Purchase Agreement in the form presented to the Board at this meeting and to approve and execute such ancillary agreements required to carry out the transactions contemplated by the Asset Purchase Agreement, including its exhibits and schedules, a Bill of Sale, Assignment of Easement Agreement and such ancillary certificates, documents and other agreements that are necessary to carry out the intent of the Asset Purchase Agreement; and that the Board *authorize and direct* the proper Township officials to complete such tasks and take such action on behalf of the Township as is required by the Asset Purchase Agreement. The motion passed (5-0).

2. AGREEMENT: LASA - RAIN TREE SEWER PROJECT AGREEMENT

West Hempfield Township and the Lancaster Area Sewer Authority jointly prepared an Act 37 Sewage Facility Plan (the "Plan"), as was approved by the

Pennsylvania Department of Environmental Protection (“DEP”) on August 27, 2007. The Plan has been updated to incorporate DEP’s preferred alternative for sewer service in the Township, a low pressure public sewer extension. The Plan indicated that the “Raintree Road Area” of the Township is a “sewer needs area” and would be required to be served with public sewer within ten (10) years of the Plan’s date. To address the sewer needs set forth in the Plan in relation to the Raintree Road Area, the Township has requested and LASA has agreed to construct a public sewer service extension to the Raintree Road Area.

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart that the Board *authorize* West Hempfield Township to jointly construct with the Lancaster Area Sewer Authority the Raintree Road Area Sewer Extension pursuant to the Intermunicipal Agreement between the Township and LASA; that the Board *authorize and direct* any officer of the Township to execute the Intermunicipal Agreement in the form presented to the Board at this meeting; and that the Board *authorize and direct* the proper Township officials to complete such tasks and take such action on behalf of the Township as is required by the Intermunicipal Agreement. The motion passed (5-0).

3. **AGREEMENT: LASA - ESCROW**

Pursuant to the provisions of the Asset Purchase Agreement for the Acquisition of the Assets of Certain Portions of the Wastewater System of West Hempfield Township by the Lancaster Area Sewer Authority, the Township has sold its Township facilities that consist of the Township’s sewer system and related facilities to LASA. Andrew Stern presented the Escrow Agreement pertaining to this transaction.

- **Motion:** Motion was made by Kent Gardner and seconded by Frank Burkhart that the Board *authorize* West Hempfield Township to enter into the Escrow Agreement between the Township, Lancaster Area Sewer Authority and Barley Snyder LLP, as Escrow Agent, pursuant to the terms of the Asset Purchase Agreement between the Township and LASA adopted at this meeting; that the Board *authorize and direct* any officer of the Township to execute the Escrow Agreement in the form presented to the Board at this meeting; and that the Board *authorize and direct* the proper Township officials to complete such tasks and take such action on behalf of the Township as is required by the Escrow Agreement. The motion passed (5-0).

IX. APPROVAL OF PAYABLES.

FUND	AMOUNT	CHECK #'S
General Fund	\$ 717,868.60	29007 - 29107
Sewer Fund	\$ 5,152.59	3747 - 3748
Refuse Fund	\$ 70,908.11	2495 - 2504
Street Light Fund	\$ 8,913.18	416 - 417
Escrow Fund	\$ 3,287.63	185 - 186
State Fund	\$ 1,429.46	3146 - 3148
Payroll and Taxes	\$ 193,454.34	EFT
Total	\$ 1,001,013.91	

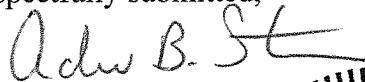
- **Motion:** Kent Gardner moved, seconded by Frank Burkhart to *approve* payment of all bills between May 1 – May 31, 2017 and any residuals. Motion carried (5-0).

X. ADJOURNMENT TO EXECUTIVE SESSION FOR REAL ESTATE AND PERSONNEL MATTERS.

Chairman Dumeyer asked for a motion to adjourn the regular meeting at 9: 25 p.m. to go into executive session to discuss Real Estate and personnel matters and others as needed.

- **Motion:** Kent Gardner moved, seconded by Frank Burkhart to *adjourn* the regular Board of Supervisors meeting to Executive Session for Real Estate and personnel matters and others as needed at 9:25 p.m. Motion carried unanimously (5-0).

Respectfully submitted,



Andrew Stern,
 Township Manager

