

**EAST HEMPFIELD TOWNSHIP
BOARD OF SUPERVISORS MINUTES**

DATE AND TIME: March 15, 2017 7:00 p.m.

ATTENDANCE: Board Members: John D. Bingham
Douglas W. Brubaker
G. Edward LeFevre
H. Scott Russell
W. Scott Wiglesworth

Manager: Robert S. Krimmel
Assistant Manager: Cindy A. Schweitzer
Director of Public Works: Perry T. Madonna
Director of Planning & Development: Jon E. Beck
Chief of Police: Stephen A. Skiles

The meeting was called to order at 7:10 p.m. by Chairman Russell, followed by a moment of silence and the Pledge of Allegiance. Mr. Russell apologized for the delay; however, the Traffic Commission meeting ran longer than scheduled.

Public Comment – Mr. Lawrence Cheely, Signal Hill Lane, questioned what the Township’s position is regarding illegal immigration and if there is a plan for cooperating with ICE and allowing ICE to ride along with officers. Chief Skiles responded that he is not aware of ICE contacting any Pennsylvania police departments and requesting ride alongs. Chief Skiles indicated that the police department will enforce all Federal, State and local laws; and that East Hempfield Police will assist ICE in the same manner as other federal agencies. He added that the police department does not go to area business to check immigration status of employees.

Consent Agenda:

- a. Department Reports - Golf Course, Public Works, Development Services, Police, Emergency Services.
- b. 13-05-FP1: Landis Farm Phase 1 - Escrow Reduction
- c. Treasurers Report for March 1, 2017 covering all funds:
 - a. 1/31/2017 funds balance \$8,065,894.71
 - b. February revenues \$2,279,417.85
 - c. February expenses \$1,318,582.33
 - d. 2/28/2017 funds balance \$9,026,730.23
- d. Invoices from all funds covering 3/4/2017 – 3/17/2017 & totaling \$ 736,031.72
- e. Approval of minutes as Corrected: March 1, 2017

Mr. LeFevre complimented the Police Department in greatly reducing the false alarm problem. Following discussion and there being no further comments or questions (Board or Public), the consent agenda was **approved** as discussed by motion of Mr. Wiglesworth, second by Mr. Bingham and passed by the Board (5-0).

Action Items:

a. Development Services:

(1) 17-02-SK: Wilson Avenue Project

- **Modification & Sketch Plan.**

Jon Beck explained the modification request and Sketch Plan and introduced Mr. Bill Swiernik, David Miller/Associates, and Mr. Bob Riahi, Millfield Construction. Mr. Swiernik provided sketches which were representative of the dwellings for informational purposes. Following discussion, motion was made by Mr. Bingham and seconded by Mr. Brubaker to **approve** the modification request to waive the preliminary plan requirements for the Wilson Avenue residential subdivision project. The motion passed (5-0).

(2) 17-05-SK: JMS Motors

- **Modification & Sketch Plan.**

Jon Beck reviewed the modification request and sketch plan. The project proposes to add a 7,500 sf building to the property to support a motor vehicle sales, service and leasing use. Mark Magrecki, RLA, Penn Terra Engineering, Inc. was present. Upon review of the Preliminary Plan Waiver Request letter from Penn Terra dated February 22, 2017, Mr. LeFevre noted an error in the first paragraph which incorrectly referenced East Lampeter Township. Mr. Magrecki agreed to correct the wording to specify East Hempfield Township and re-submit the letter. Following discussion, motion was made by Mr. LeFevre and seconded by Mr. Wiglesworth to **approve** the modification request to waive the preliminary plan requirement for the JMS Motors commercial land development project at 3525 Columbia Avenue. The motion carried (5-0).

(3) 16-08-FP3: Lime Spring Square Phase 3. Jon Beck reviewed the background of the project and explained each item of the plan as listed for Board action on tonight's meeting agenda. He also provided copy of an email from Solicitor Stephen Kraybill recommending that the Board adopt the proposed agreements. Attorney Mark Stanley, McNeese Wallace & Nurick LLC, was present on behalf of the client. The developer anticipates the start of construction to occur at the end of March – beginning of April 2017. Township staff and the developer are coordinating a ground-breaking event for the Brubaker Run Floodplain restoration. After discussion the following actions were taken:

- **Developer's Agreement -**

Motion was made by Mr. LeFevre and seconded by Mr. Bingham to **approve** the Developer's Agreement for The Lime Spring Square Final Plan Phase 16-08-FP3, with the completions as outlined by Mr. Beck, and subject to all staff and engineering comments. The motion passed (5-0).

- **SWM O&M Agreement**
Motion was made by Mr. Bingham and seconded by Mr. LeFevre to *approve* the SWM O&M Agreement for The Lime Spring Square Final Plan Phase 3 16-08-FP3, subject to all staff and engineering comments. The motion passed (5-0).
- **Amendment to SWM O&M Agreement**
Motion was made by Mr. Bingham and seconded by Mr. Wiglesworth to *approve* the Amendment to the SWM O&M Agreement for The Lime Spring Square Final Plan Phase 3 16-08-FP3, subject to all staff and engineering comments. The motion passed (5-0).
- **2nd Amendment to SWM O&M Agreement**
Motion was made by Mr. Wiglesworth and seconded by Mr. Bingham to *approve* the 2nd Amendment to the SWM O&M Agreement for The Lime Spring Square Final Plan Phase 3 16-08-FP3, subject to all staff and engineering comments. The motion passed (5-0).
- **Financial security**
Motion was made by Mr. Brubaker and seconded by Mr. LeFevre to *establish* the Financial Security in the amount of \$2,784,759.18 for The Lime Spring Square Final Plan Phase 3 16-08-FP3, subject to all staff and engineering comments. The motion passed (5-0).
- **2nd Amendment to Easement Agreement**
Motion was made by Mr. LeFevre and seconded by Mr. Bingham to *approve* the 2nd Amendment to Easement Agreement for The Lancaster Farm Fresh Final Plan 15-05-FP, subject to all staff and engineering comments. The motion passed (5-0).
- **Deed of Easement between the Township and Dealbrook**
Motion was made by Mr. Brubaker and seconded by Mr. Bingham to *approve* the Deed of Easement between East Hempfield Township and Dealbrook LLC et al. for construction activities associated with The Lime Spring Square Final Plan Phase 3 16-08-FP3, subject to all staff and engineering comments. The motion passed (5-0).
- **Deed of Easement between the Township and Stobro**
Motion was made by Mr. Wiglesworth and seconded by Mr. LeFevre to *approve* the Deed of Easement between East Hempfield Township and Stobro Company LP for construction activities associated with The Lime Spring Square Final Plan Phase 3 16-08-FP3, subject to all staff and engineering comments. The motion passed (5-0).

(4) Embassy Drive Extension Project – MTF Grant

- Award the Construction Bid – Jon Beck reported one bid was received. He then reviewed the bid form and documents submitted by B. R. Kreider & Son, Inc. Chairman Russell questioned if the State Granting Agency would have any issues with only one bid being received. Mr. Beck responded that CPD reviewed the bid. They were aware that only one was received and, after reaching out to other contractors, learned that a single bidder is not surprising given the complexity of the project and B. R. Kreider's negotiations with 206 Rohrerstown Road LLC on other facets of the Embassy Drive Extension Project. After discussion, motion was made by Mr. Wiglesworth and seconded by Mr. Bingham to *award* the construction contract to B.R. Kreider & Son, Inc. for an amount not to exceed \$1,026,200.50 for work associated with the Embassy Drive Extension project, which is detailed on the Lime Spring Square Final Plan Phase 3 16-08-FP3, subject to all staff and engineering comments. The motion passed (4-1).
- b. Non-Uniform Pension Ordinance revisions – authorization to advertise revised ordinance. Mr. Krimmel reviewed the staff memorandum dated March 15, 2017 and explained the changes outlined in the memo. He noted that the requested wording changes were reviewed and supported by the Admin /Finance group as well as Ron Bittner (Univest) and Attorney Steve Kraybill. Following discussion, motion was made by Mr. Bingham and seconded by Mr. Brubaker to *authorize* staff to advertise the Non-Uniform Pension Ordinance Revisions with an effective date retroactive to January 1, 2017. The motion passed (5-0).
- c. Lancaster General Health Foundation (Penn Medicine) – a variance request to the 9:00 p.m. noise curfew for May 6, 2017 event. Mrs. Schweitzer reviewed previous events and the request dated February 21, 2017 from Victoria Nein, Special Events/Corporate Relations, Lancaster General Health Foundation, to host a fundraising gala to benefit the Ann B. Barshinger Cancer Institute which will include a seven-piece band and dancing from approximately 9:00 pm. to 11:00 p.m. Following discussion, motion was made by Mr. Brubaker and seconded by Mr. Bingham to *approve* the request of Lancaster General Health (Penn Medicine) to exceed the noise ordinance curfew from 9:00 p.m. to 11:00 p.m. on May 6, 2017. The motion passed (5-0).
- d. Noel Dorwart Park – authorization for banner placement for the Brubaker Family celebration in August. Following discussion, motion was made by Mr. LeFevre and seconded by Mr. Brubaker to *approve* the request to display a temporary banner (60 days, beginning 6/5/2017) for the Brubaker Family celebration in August 2017 in the Noel Dorwart Park, subject to all applicable East Hempfield Township Zoning Ordinance Requirements. The motion passed (5-0).
- e. Manheim Township Administrative Services Agreement – seeking permission to provide notice to Manheim Township that the agreement is to be dissolved. Mr. Krimmel led discussion regarding the agreement. Many of the duties listed in the agreement will now be performed by Rohrerstown Fire Company or the new Township Emergency Services Coordinator, Diane Garber. Mrs. Garber reviewed her February monthly report in which she reported on the meeting held with Chief Nonemacher, VP Morack, Bob Krimmel and Cindy Schweitzer and her

recommendation that MTFR be provided with written notice of termination of the agreement providing 60 days' notice as delineated in the agreement. Mr. Wiglesworth stated the Safety Committee is very supportive of this action. Following discussion, motion was made by Mr. LeFevre and seconded by Mr. Bingham to *authorize* staff to formally send notice to Manheim Township that the Administrative Services Agreement would be dissolved. The motion passed (5-0).

- f. Emergency Declaration Agreement. Following discussion, motion was made by Mr. LeFevre and seconded by Mr. Bingham *authorizing* the Board to formally sign the documents to execute the Emergency Declaration Agreement effective Monday, March 13, 2017. The motion passed (5-0).

Old Business – None

New Business – None

Board Group Reports

- Public Safety
 - The committee met Thursday, March 9. Chief Skiles provided updates on the hiring and promotion process. They met with the new Emergency Management Coordinator and received good information, much of which was discussed earlier in the meeting. Also, as discussed earlier in the meeting, the committee recommended termination of the Administrative Services Agreement with Manheim Township. Mr. Wiglesworth and Mr. LeFevre signed a document to give Diane Garber access to the radio channels which she needs for the Township. The committee also discussed the police building expansion and is looking at a few different options.
 - Mr. LeFevre reported they met with counsel for the forthcoming contract negotiations with the Police Force. It was an informative meeting with some good guidelines. Counsel will be furnishing Mr. Krimmel a check list for us to consider as negotiators.

Traffic Commission Report

Mr. Russell reported Commission action as follows:

- The speed monitoring sign will be placed on Hunter's Path to monitor speed.
- Work continues on the baseline traffic study for Farmingdale Road. Short term goals were discussed and the Commission authorized entering into discussions with LCSWMA concerning sharing the cost of two speed tables on Farmingdale Road.
- Police will continue to have a presence in the Spring Valley Road/Rohrerstown Road intersection to monitor traffic/turning violations.
- No parking signage has been authorized for Embassy Drive, both sides from Rohrerstown Road to Good Drive.

Manager's Report

1. **Police Building Extension:** The attorney's opinion on moving forward with the build has been received. The Township's borrowing and debt attorney, Frank Mincarelli from B&T, is reviewing the Financial Advisors proposals. (No change.)
2. **TIP Projects:** No change since last report
3. **Centerville Road North:** No change since last report
4. **Executive Session – March 1, 2017:** After the last board meeting on March 1, 2017 an executive session was held starting at 9:00 p.m. and ending at 9:50 p.m. The topic of the session was discussing litigation on a real estate matter which involves the police building expansion in the park.
5. **Amtrak Detour:** Mr. Krimmel reported Amtrak will be repairing the train bridge over Harrisburg Pike starting in May and will be setting up a detour over West Hempfield Roads and a small portion on Spooky Nook Road for 10 weeks. The detour will be in effect from 11:00 p.m. to 4:00 a.m. each weekday. The rest of the daily hours it will open as usual. Additional information was provided in the Board packet.
6. **Township Roads Traffic Counts:** A notice was received from PennDOT about local traffic counts on various township roads. The activity will start in March and end in July. The notice was included in the Board packet.
7. **Executive Session – March 15, 2017:** Mr. Krimmel requested an executive session be held immediately following tonight's meeting to discuss litigation on a real estate matter which involves the police building in the park.

Good of the Order - None

Adjournment

By unanimous consent of the Board, Mr. Russell *adjourned* the meeting to executive session at 8:22 p.m. to discuss litigation on a real estate matter which involves the police building in the park.

Respectfully submitted,

Robert S. Krimmel, Manager/Secretary