

**EAST HEMPFIELD TOWNSHIP  
BOARD OF SUPERVISORS MINUTES**

<b>DATE AND TIME:</b>	May 1, 2019	7:00 p.m.
<b>ATTENDANCE:</b>	Board Members:	Thomas A. Bennett Douglas W. Brubaker G. Edward LeFevre H. Scott Russell W. Scott Wiglesworth
	Manager:	Cindy A. Schweitzer
	Director of Public Works	Perry T. Madonna
	Director of Development Services:	Jon E. Beck
	Chief of Police:	Stephen A. Skiles
	EMS Coordinator:	Diane E. Garber
	Solicitor:	Susan P. Peipher
	Engineer:	Scott H. Hain

The Board of Supervisors meeting was called to order at 7:00 p.m. at the Four Seasons Banquet Facility, 949 Church Street, Landisville by Chairman Brubaker, followed by a moment of silence and the Pledge of Allegiance.

**Consent Agenda**

- a) 18-06.02 Catalyst Commercial Development Time Extension Request to satisfy conditions of Final Plan approval
- b) Approval to pay invoices from all funds covering 4/19/2019 – 5/3/2019 & totaling \$337,799.37.
- c) Approval of minutes: April 17, 2019

Mr. Wiglesworth stated that after the comment period in the public hearing for the State Road Rezoning Request he attempted to answer a question as to why the township was taking over the process of the text c amendment and the statement he made about the zoning ordinance not being sufficient for truck stops was not included in the minutes. He requested approval of the April 17, 2019 minutes be tabled and the minutes be corrected to include his statement. Motion was made by Mr. Russell and seconded by Mr. LeFevre to **approve** the Consent Agenda minus the minutes of April 17, 2019. The motion passed (4-0-1) with Mr. LeFevre abstaining due to not being present at the meeting.

**Action items**

**a) Development Services**

- **13-05.07 Landis Farm Phase 4 – Final Plan approval.** Mr. Beck reviewed the Plan. Craig Smith, RGS Associates, was present for any questions. There being no further questions or discussion, motion was made by Mr. LeFevre and seconded by Mr. Bennett to **approve** the Landis Farm Phase 4 Final Subdivision & Land Development Plan, Township File #13-05.07, conditioned on resolution of all outstanding staff and

engineering comments, within 90 days of plan approval, unless extended by the Board for cause shown, or plan approval will be null and void. The motion passed (5-0).

- **Zoning Ordinance – review/summary of changes to the ordinance (completed and proposed).** Mr. Beck reviewed a memorandum outlining various ordinance amendments passed since 2014. Mr. Imo Sulyox asked if the memorandum could be made available to the public and he was provided with a copy.
- **PUBLIC HEARING** – Consideration of adoption of the Zoning Ordinance Text Amendment, regarding Carwash & Detailing, Convenience Stores, Motor Vehicle Fueling Stations, Truck Stops, and Day-Care Services. Chairman Brubaker opened the Public Hearing at 8:30 p.m. and explained the process, rules and regulations of the Hearing. Attorney Susan Peipher stated the purpose of the Hearing is regarding consideration of adoption, either tonight or at a future meeting, of a Zoning Ordinance Text Amendment and confirmed the Public Hearing was properly advertised. Attorney Peipher reviewed the process of the Public Hearing as being the presentation of the Zoning Ordinance Text Amendment under consideration, Board of Supervisors Questions, Public Comment and Action. Residents were asked to keep their comments relevant to the adoption of the zoning ordinance text amendment being considered tonight and all those wishing to ask questions or make comments were asked to sign their name and address on the sign-in sheet provided. Mr. Imo Sulyox asked for dates when notices were posted and Attorney Peipher informed the notices were published April 17, 2019 and April 24, 2019.

Mr. Jon Beck, East Hempfield Township Director of Development Services, presented background narrative and history of the text amendment under consideration and the changes that are being presented to the Board for consideration and, most particularly, the Township's desire to ensure appropriate regulation and to provide for clarification between convenience stores and truck stops. An overhead map was utilized to display and explain the various zoning areas. He explained that township staff believes it is better to have the township take control through a text amendment than to have the developer deal with it. Chairman Brubaker summarized major points to consider as being: (1) Convenience stores are already in the ordinance in the campus zone; (2) The nature of what a convenience store is in this day and age has changed; (3) The need to consider situations regarding truck stops; and (4) The reason why staff and the planning commission have tried to package this all together to give the Township more control because without regulations it would be up to the Zoning Hearing Board to set those parameters. Mr. Russell emphasized that right now truck stops can go anywhere in the Township and Chairman Brubaker reiterated multiple issues at play concern truck stops due to issues pertaining to gambling and very clear boundaries are needed.

Various comments and questions from residents included clarification regarding how the 1,500 ft. limit would negate truck stops and could the two pad sites in front of the distribution center be truck stops; explanation of approval process; clarification on zoning change; defining zoning and where things would go; environmental improvement and requests that changes be of high standard and esthetically pleasing; concerns about increased truck noise; distance from residential areas; life styles; reasonable regulations

regarding setbacks; objectionable offensive uses and type of township control; inappropriateness of fueling stations in campus zoning; rationale for change; transparency regarding applicant/township relationship; restaurants permitted in Campus Zoning; confirmation of EHT Planning Commission and Lancaster County Planning Commission review and comments.

Responses from the Board included explanation of the township's comprehensive plan and the on-going process of review and suggestion of changes that need to be made; transparency and relationship of applicant and township; land development process; pro-activeness pertaining to zoning issues; overhead display and reading of Lancaster County Planning Commission review comments; changing ordinances versus unconditional use process; property deed restrictions; the township's desire for the Campus Zone to be the most spacious and visually least objectionable, as opposed to residential zoning and environmental improvements made in other areas of development within the Township. Mr. Beck reported there have been no requests for convenience stores without fueling in recent years, confirmed campus zoning does permit restaurants, and assured that a gun and ammunition store would not be permitted in a campus zone.

Fred Knarr, Clover Circle, made positive comments regarding the developer seeking and taking community feedback, reviewed past undesirable possibilities for development within the township that were denied, and recommended that residents come to every meeting where they will find good transparency. Chairman Brubaker agreed that the best way to find more information is to attend Zoning Hearing Board meetings, Township Supervisor meetings, Planning Commission meetings, and follow the Township's web site.

Mr. Wiglesworth requested an addition to the proposed amendment to include verbiage regarding a 1,500 foot separation distance from residentially-zoned properties as a requirement for truck stops. Mr. Bennett also questioned the possibility of parsing out various aspects of the ordinance that were discussed (Truck Stops and Day Care, Commercial) and break away convenience store consideration. The question was raised as to what would be permitted under present advertising or if it would be necessary to re-advertise. Attorney Peipher determined further discussion under executive session was required. Motion was made by Mr. Russell, seconded by Mr. LeFevre and carried (5-0) to close the Public Hearing at 9:07 p.m. and move into Executive Session to consult with Counsel.

The Board returned from Executive Session and the Public Hearing was re-opened at 9:27 p.m. After Executive Session and advice received from counsel finding the requested addition to the addendum is not considered substantial and there is no need to re-advertise, motion was made by Mr. Wiglesworth and seconded by Mr. Russell to **adopt** Ordinance 2019-07 amending the East Hempfield Township Zoning Ordinance involving definitions and permitted zones for Car Wash and Detailing, Convenience Stores, Motor Vehicle Fueling Stations, Truck Stops, and Day-care services, commercial, with the change that would add a 1,500 foot separation distance from residentially-zoned properties as a requirement for Truck Stops. The motion carried (3-2) with Mr. Brubaker and Mr. Bennett voting nay.

- b) **Fire Services Strategic Plan** – recommendations of the public safety working group to move forward. Diane Garber provided a brief overview. Due to the late hour, the importance of the plan and the volume of information, it was moved by Mr. Bennett and seconded by Mr. Russell to *table* discussion until the next Board of Supervisors meeting and will be placed as the first action item on the agenda. The motion carried (5-0).
- c) **Ground Lease between East Hempfield Recreation Authority and the Township for the Four Seasons Golf Course.** Mr. Russell thanked Mr. Bennett for his efforts in preparing the lease and reported the Recreation Authority accepted the changes with very little comment. There being no further comments, motion was made by Mr. Bennett and seconded by Mr. Russell to *approve* the proposed Ground Lease between East Hempfield Township and the East Hempfield Recreation Authority. The motion passed (5-0).

### Old Business

- Gentry Heights Bids – Mr. Madonna reported no bids were received in the first two rounds. On advice received from Counsel on how to proceed, and according to how the law is written, we may now negotiate to do this job however we can. Mr. Madonna has received a quote from Koser Excavation for curb removal, driveway pavement removal, and top soil and storm inlet installation at a price not to exceed \$126,452.00. This is \$6,000.00 over the original budget and does not include paving a 6-8 foot section of driveways that we are being removed which is estimated to be approximately \$300-\$500 per driveway; however, this is the only option to get this accomplished this year. There are additional funds in the budget which can be used to do this project. Motion was made by Mr. LeFevre and seconded by Mr. Russell to *approve* the quote as discussed which includes an additional \$6,000 for demolition and storm water work and pavement at the tonnage rate if he can so arrange, and *authorize* Mr. Madonna to proceed with his efforts, as outlined, as best as he can. The motion passed (5-0).

### New Business

- Police Expansion Project – A change order is being considered bid to redryvit the entire front of the building (\$9,400.00 Police Side and \$12,000 Administration Side). Fidevia and Jon Trump, the designer of the building, felt the pricing was fair as prepared. Mr. LeFevre suggested while we have a contractor mobilized, and since Mr. Madonna was planning to do the whole building next year, would it be right to pursue the whole building at this time – or – does the back side really need to be done. Mr. Madonna stated the front needs to be done now and the remaining back corner of the building and the maintenance garage can wait until next year. He was planning to get project prices this Fall to include in next year's budget for the remainder of the building. He further stated there would be no significant savings in doing it all now as opposed to waiting until next year. The Board agreed with doing just the front for now. Motion was made by Mr. Russell and seconded by Mr. LeFevre to *approve* the contractor doing Change Order No. 24 to do all of the dryvit work on the police side of the existing building and the office side along the front/south side. The motion passed unanimously (5-0).

### Manager's report

Mrs. Schweitzer provided a written copy of the report for the period covered through May 1, 2019 and had two additions:

- West Hempfield Township has inquired if we would be interested in selling them the 2002 Chevy Trail Blazer for \$1,200.00. The Blue Book Value is \$1,400.00. Following discussion, motion was made by Mr. Russell and seconded by Mr. Wiglesworth to **approve** the sale of the 2002 Chevy Trail Blazer to West Hempfield Township for \$1,200.00. The motion passed (5-0).
- Running Pump & Noll Drive. The pre-con meeting was held this afternoon. The job is probably going to start with the water line the week of May 15<sup>th</sup> and should take about 2 weeks to accomplish, after which work will begin on the round-about and the intersection will be closed for about three months. The stakeholders meeting is scheduled for Wednesday, May 8th at Four Seasons from 2:00 – 3:30 p.m.

### **Public Comment (residents or taxpayers of East Hempfield Township)**

- Megan Connell, Old Eagle Road, asked how long the interchange ramp will be closed at Rt. 283 and State Road. Mrs. Schweitzer informed it is expected to be closed for 260 days.
- Larry Keller, Hempfield Drive presented two issues: (1) The curbing along the farmette property on Centerville Road does not line up with the curbing at Gloucester causing a problem with water run-off. Mr. Madonna stated the township is limited in its involvement as to the design; however, the contractor still has to do some top soil remediation which should resolve the problem. Mr. Wiglesworth asked Mr. Madonna to evaluate this after work is completed before releasing funds. (2) Difference in cartways on Embassy Drive and Running Pump Road starting at Noll Road. He feels the intersection at Embassy and Running Pump is totally inadequate and needs to be expanded. The Board will look into this matter.
- Colleen Jacobsen, Chapel Forge Drive, asked for the time frame between development of the Round-About and South Centerville Corridor. She was advised they are not being done at the same time. The round-about is going to be started this year and the South Centerville Corridor is planned for 2021.

### **Good of the Order**

- Executive session was held prior to tonight's Board of Supervisors meeting beginning at 6:00 p.m. and ending at 6:55 p.m. to discuss a legal matter.
- Executive Session was held during the Public Hearing beginning at 9:07 p.m. and ending at 9:27 p.m. to discuss a legal matter.

### **Adjournment**

By unanimous consent of the Board, Chairman Brubaker adjourned the meeting at 10:10 p.m.

Respectfully submitted

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Cindy A. Schweitzer, Township Manager/Secretary