

**EAST HEMPFIELD TOWNSHIP
BOARD OF SUPERVISORS MINUTES**

DATE AND TIME: May 2, 2018 7:00 p.m.

ATTENDANCE: Board Members: Thomas A. Bennett
Douglas W. Brubaker
G. Edward LeFevre
H. Scott Russell
W. Scott Wiglesworth

Manager: Robert S. Krimmel
Assistant Manager: Cindy A. Schweitzer
Director of Planning & Development: Jon E. Beck
Police Chief: Stephen A. Skiles
Emergency Services Coordinator: Diane E. Garber

ABSENT: Perry T. Madonna

The Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman Brubaker, followed by a moment of silence and the Pledge of Allegiance.

Public Comment (non-agenda items only) – None

Police Recognitions/Awards Presentations

Chairman Brubaker opened the program in recognition of Congress and the President of the United States declaration of May 15 as Peace Officers’ Memorial Day and the week of May 13-19, 2018 as National Police Week. During the month of May, police departments all over the country will honor their officers. On behalf of the East Hempfield Township Board of Supervisors, Mr. Brubaker recognized all police officers, especially those in our own community and thanked them for their selfless duty.

Police Week Proclamation – Resolution #2018-14 – Mr. Brubaker read the 2018 National Police Week Proclamation. Motion was made by Mr. Russell and seconded by Mr. Wiglesworth to *adopt* Resolution #2018-14 which formally designates May 13-19, 2018 as Police Week in East Hempfield Township, and which publicly salutes the service of law enforcement officers in our community and in communities across the nation. The motion was unanimously passed (5-0).

Police Awards:

Police Chief Stephen Skiles opened the police awards ceremony to acknowledge and celebrate the good work the East Hempfield Township Police Department has done during the past year and asked that retired Lt. Brian Nice and retired Lt. Dennis Eberly be recognized as retired police officers present at this evening’s ceremony. Lt. Tammy Marsh and Lt. Jennifer Brubaker assisted Chief Skiles with presentation of the following awards:

- Annual Community Policing Award – Presented to an employee who developed community partnerships, identified and solved problems, and implemented new initiatives and programs with meaningful results.
 - Officer Christopher Keen
- Annual Kenneth Neidinger Officer of the Year Award – Presented to an officer, regardless of rank or assignment, and based upon professionalism, exemplary service and accomplishment during the year.
 - Officer Ryan Kelly
- K9 Ringo Retirement Recognition – Resolution #2018-15 – Chairman Brubaker read Resolution #2018-15 recognizing K9 Ringo’s successful eight years of service as a devoted and loyal partner to Officer William Watt detecting illegal drugs, apprehending criminals, and locating people and objects on behalf of the entire police department. Motion was made by Mr. LeFevre and seconded by Mr. Wiglesworth to **adopt** Resolution #2018-15 to commend and sincerely thank K9 Ringo for his committed service to East Hempfield Township and its residents. The motion passed unanimously (5-0). Rob Allen, The Allen Family and Lancaster Toyota Mazda Scion were recognized for their continued financial support of the East Hempfield Police Department K-9 Unit.
- Transfer of Ownership of Police K9 Dog, Ringo, from East Hempfield Township to handler Officer William Watt – Motion was made by Mr. Russell and seconded by Mr. Bennett to **approve** the transfer of all rights, title and interest of Police K9 Dog, Ringo, to East Hempfield Police Officer William Watt, effective May 2, 2018. The motion unanimously passed (5-0).
- Promotion of Detective Christopher Chase to Sergeant – Chief Skiles announced the promotion of Detective Chris Chase to Sergeant. Stephanie Chase pinned the badge and Retired Lt. Nice, Lt. Brubaker and Lt. Marsh placed his Bars.

The Board and all those present thanked and congratulated the entire East Hempfield Township Police Department. A brief recess was then taken to allow family members to take photographs.

Consent Agenda:

- a. Approval to pay invoices from all funds covering 4/21 to 5/4 & totaling \$317,977.99.
- b. Approval of minutes: April 18, 2018

There being no further comments or questions (Board or Public) the consent agenda was **approved** by motion of Mr. Russell, second by Mr. LeFevre and passed by the Board (5-0).

Action items:a. **Development Services**

- **04-PP-59 Haydn Manor – Request to extend plan protection.** Jon Beck provided background of the project and submitted the request dated April 25, 2018 received from Gregory Strausser, Strausser Surveying and Engineering, on behalf of New Generation at Haydn Manor, LLC for a modification allowing the Haydn Manor Final Phase 2 plan submittal to be processed and reviewed in accordance with the East Hempfield Township Ordinances in effect when the original preliminary plan was approved. Justifications supporting this request were presented and discussed. Doug Rupp, resident, asked for and was given a description of the project and Chuck Grubb, resident, remarked that he would not like to see this project go on forever and ever . . . there should be a stopping point. Following discussion and there being no further questions or comments (Board or Public), motion was made by Mr. Russell and seconded by Mr. Wiglesworth to **grant** the request to extend the vesting under the Haydn Manor Preliminary Plan for an additional three (3) years, retroactive to February 2, 2018. This 3-year extension will protect the Preliminary Plan and all subsequent plans from changes in zoning, subdivision or other governing ordinances through February 2, 2021. The motion passed (5-0).
- **13-15-PP Lime Spring Farm – Request to extend plan protection for an additional 5 years.** Jon Beck presented the request dated April 26, 2018 to extend the vesting under the Preliminary Plan for an additional period of five (5) years to assist in the facilitation of the build-out of the Lime Spring project. Attorney Mark Stanley, McNees Wallace & Nurick LLC was present on behalf of Lime Spring Properties, LP, and its successor in title, the owner and developer of the Lime Spring project in East Hempfield Township, Lancaster County. Following discussion, motion was made by Mr. Wiglesworth and seconded by Mr. LeFevre to **grant** the request to extend the vesting under the Lime Spring Farm Preliminary Plan for an additional five (5) years. This 5-year extension will protect the Preliminary Plan and all subsequent plans from changes in zoning, subdivision or other governing ordinances through July 11, 2023. The motion passed (5-0).
- **15-18-CU-3 State Road Commerce Park Conditional Use - Render Decision.** Jon Beck gave a synopsis of prior meetings and discussions and read into the record the nine (9) conditions presented at the public hearing held April 18, 2018. He reported that the applicant and the Township Solicitor were in agreement with the nine conditions submitted. Discussion ensued pertaining to the naming of the street, traffic commission approval, the condition of Sylvan Road and life span of the bridge, adequate fire service, accommodation of tractor trailer traffic over the narrow bridge and construction dates. Diane Garber reported the warehouse plans have been reviewed and it has been determined that the fire department can provide adequate service. Following discussion, motion was made by Mr. Russell, seconded by Mr. Bennett and passed by the Board (5-0) to **approve** Conditional Use 15-18-CU-3 for State Road Commerce Park subject to the following nine (9) conditions as submitted and read into the record:

1. State Road Commerce Park shall be developed in general compliance and conformity with the Plan, the Application for Conditional Use and supporting Narrative, and other materials presented to the Board of Supervisors during the public hearing held on April 18, 2018, subject to such revision the Board of Supervisors may subsequently approve as part of the preliminary and/or final subdivision and land development process. The State Road Commerce Park project is subject to final engineering and site conditions. Provided the proposal is in general compliance and conformity with the aforementioned items presented to the Board during the public hearing, subsequent minor revision shall not necessitate an amendment of this Conditional Use Decision or the submission or approval of any new or revised conditional use application or plan.
2. Applicant shall construct the industrial buildings in State Road Commerce Park as depicted generally on the Plan presented to the Board of Supervisors during the public hearing. The Board of Supervisors may approve subsequently any deviation from the design, size, location, or orientation of the industrial buildings, as depicted, as part of the preliminary and/or final subdivision and land development process provided such deviation(s) shall comply with the general design criteria in Article 3, Article 4, and Article 5 of the East Hempfield Township Zoning Ordinance. Such revision shall not necessitate the amendment of this Conditional Use Decision or the submission or approval of any new or revised conditional use application or plan.
3. All architectural renderings contained within the Plan presented to the Board of Supervisors during the public hearing are conceptual in nature and were provided only for illustrative purposes to demonstrate potential streetscapes and massing of buildings. Provided any revision is in general compliance and conformity with the renderings, the Applicant may make revisions to the final architecture and elevations of the proposed structures during the course of construction, and such revisions shall not necessitate the amendment of this Conditional Use Decision or be deemed a change or revision to Applicant's Application for Conditional Use.
4. Applicant shall provide landscaping and vegetation for State Road Commerce Park generally consistent with the Plan presented to the Board of Supervisors during the public hearing. Final landscaping and vegetation, in numbers and species type, shall be identified as part of the preliminary and/or final subdivision and land development process, and any revision to the proposed landscaping shall not necessitate the amendment of this Conditional Use Decision or be deemed a change or revision to Applicant's Application for Conditional Use.
5. Applicant at its sole cost and expense, shall construct Blackburn Drive, generally as depicted on the Plan presented to the Board of Supervisors during the public hearing, inclusive of final wearing course, as shown and depicted as "Blackburn Drive" on the Plan, as a connector road between State Road and Sylvan Road, as part of Applicant's Phase 1 improvements. The timing of the application of the final wearing course

- shall be established during the preliminary and/or final subdivision and land development approval process for Phase 1. Upon application of the final wearing course for Blackburn Drive, Applicant shall offer for dedication, and the Township shall accept, Blackburn Drive. The Township's obligation to accept the dedication of Blackburn Drive is subject to the condition that the roadway has been constructed in accordance with the applicable township specifications and the Township Engineer has inspected and verified that the construction meets the applicable township specifications.
6. Applicant shall coordinate with East Hempfield Township to improve Sylvan Road in finalizing the connection of Blackburn Drive to Sylvan Road as part of the Phase 1 improvements, which will eventually connect traffic to Harrisburg Pike. Applicant shall, at its sole cost, provide any upgrades East Hempfield Township and PennDOT deem necessary for the traffic signal at Sylvan Road and Harrisburg Pike when it meets warrants.
 7. Applicant shall furnish financial security of the type, in the amount, and at all times as required by the Municipalities Planning Code.
 8. All roadways on the Plan are conceptual in nature and are subject to revision based on final engineering. As such, Applicant may seek appropriate revision to the roadways as depicted on the plan, as part of the preliminary and/or final subdivision and land development process, and such revision(s) shall not necessitate the amendment of this Conditional Use Decision or be deemed a change or revision to Applicant's Application for Conditional Use.
 9. The Applicant may only proceed with buildings and/or tenant spaces associated with subsequent phases beyond Phase 1 once the improvements to the State Road and State Route 283 interchange project are completed to the satisfaction of East Hempfield Township.
- **Noll Dr. / Old Tree Dr. – Running Pump Rd. Roundabout Landscaping funding request.** The Opinion of Probable Cost submitted by RGS Associates dated May 2, 2018 was discussed during which Mr. Beck was asked to look at alternate materials that would not need weekly mowing and that would encompass the least amount of maintenance. Attorney Mark Stanley, McNees Wallace & Nurick agreed to have right-of-way information available within a week and Craig Mellott, Traffic Design, Inc., will have a fully engineered plan set available for the next BOS meeting. This matter was then *tabled* by motion of Mr. Russell, second by Mr. Wiglesworth and passed by the Board (5-0).
- b. **Uniformed Pension amendment to include Deferred Retirement Option Plan (DROP) – Ordinance #2018-03.** Motion was made by Mr. Wiglesworth and seconded by Mr. Bennett to *approve* Ordinance #2018-03 which amends Chapter 37 of the East Hempfield Code of Ordinances, establishing a deferred retirement option plan as an optional form of benefit under the existing East Hempfield Township Police Pension Plan, providing definitions and

provisions including eligibility, method of election, limitation on pension accrual, benefit calculation, payment to account, early termination, payout, disability, killed-in-service survivor benefit, effective date, and severability. The motion passed (5-0).

- c. **Black Knight Tavern – Request the Township to seek a noise exemption from the PA Liquor Control Board to allow outdoor live music. – adopt resolution and authorize submission of a petition to PALCB.** Sheila V. O’Rourke, Gibbel Kraybill & Hess, representing the Black Knights Tavern and Grill, 335 Main Street, East Hempfield Township, presented information pertaining to the Tavern’s request for approval to offer live music on its patio and the State Liquor Code that disallows any amplified music that could be heard beyond the Tavern’s property line. The Liquor Code does specifically allow for an exemption from this provision if the Township is agreeable to enforcing its Noise Ordinance instead and the Tavern is, therefore, requesting the Township’s assistance and participation in seeking an exemption. Outlines for the procedure for doing so were presented and discussed. At the close of discussion, the following actions were taken:

- Motion was made by Mr. Russell and seconded by Mr. Wiglesworth to ***adopt*** Resolution 2018-17 pursuant to Section 493.1(B) of the Pennsylvania Liquor Code requesting an exemption from Section 493(34) of the Liquor Code, 47 P.S. 4-493(34). and ***authorize*** submission of a petition to the Pennsylvania Liquor Control Board for exemption from Section 493(34) of the Liquor Code regarding amplified music. The motion passed (5-0).
- Motion was made by Mr. Russell and seconded by Mr. LeFevre to ***authorize*** staff to investigate and take measures to improve the Township’s noise ordinance, subject to comment and review by the Township Solicitor. The motion passed (5-0).

d. **Holland Street Bridge Removal project**

- I. Second Supplemental Federal-Aid Bridge Project Reimbursement Agreement accounting for added construction & contingency costs totaling \$42,713.
- II. Design & Construction Phase Agreement between Amtrak & Township assigning liability for the project.

Mr. Krimmel and Mrs. Schweitzer recommended that the Board table action on these two items to allow additional time to finalize draft documents. Following discussion, the Board unanimously agreed to ***table*** further discussion until a later meeting.

- e. **Mark E. Earhart Retirement Recognition – Resolution #2018-16.** Motion was made by Mr. Russell and seconded by Mr. Bennett to ***adopt*** Resolution #2018-16 to commend and sincerely thank Sergeant Mark E. Earhart for his thirty-one (31) years of committed service to East Hempfield Township and its residents. The motion unanimously passed (5-0). A plaque and clock will be awarded to Sergeant Earhart at a time of his choosing.

Old Business

- **State Road Easement Agreement between Amtrak and Township**. A draft agreement was received and discussed. Following review and discussion, motion was made by Mr. LeFevre and seconded by Mr. Wiglesworth to *approve, under duress*, moving forward to final draft, as presented, the proposed State Road Easement Agreement between Amtrak and East Hempfield Township and *allow* proper officials of the Township to direct staff to get all documents ready for the Board of Supervisors to sign-off. The motion passed (5-0).

New Business - None

Board Group Reports

- Finance Group
 - Creation of an Authority - Mr. Russell reported he and Mr. Brubaker will be meeting with Solicitor Mincarelli regarding the formation of an authority for the golf course property. They expect to have something ready for the next BOS meeting.

Manager's Report

1. **Centerville Road South**: Mr. Krimmel, Mr. Beck and JMT are continuing to meet with property owners along Centerville Road South. There was a meeting today between the McDonalds owner and the property manager and there will be a meeting with the Bob Evans people to discuss a plan to address their driveway issue.
2. **Centerville Road North**: Perry Madonna and Scott Hain had a pre-construction meeting today with Centerville Road North and everything went well.
3. **Church Road**: PennDOT has put a non-skid surface on Church Street at the curve in the roadway to address the concerns of residents.

Good of the Order

- Next Board of Supervisors Meeting – May 16 - 7:00 p.m. – EHT Municipal Building
- Effective with the June 6, 2018 meeting, all Township public meetings will be held at the Four Seasons Banquet Facility, 949 Church Street, Landisville

Adjournment

By unanimous consent of the Board, Chairman Brubaker *adjourned* the meeting at 9:22 p.m.

Respectfully submitted,

Robert S. Krimmel, Manager/Secretary