

Hamiltonban Township Board of Supervisors
Regular Meeting
23 Carrolls Tract Road, Fairfield, Pa 17320
April 5, 2005

Supervisors Present: Stephen W. Jacobs Chairman, William E. Eckert, Sr. Vice-chairman, Jay Edward Deardorff Road Master, James E. Benner, and Barbara A. Nicks

Others Present: LuAnn M. Dille Secretary/Treasurer, Amy Harbaugh Tax Collector, Solicitor Henry O. Heiser, III, Police Officer Juanita Larmer, Curt Musselman Planning Commission Chairman, Milton Nicks Zoning Officer, Pamela Wiehagen Planning Commission Secretary, and Donald Wills Jr., EMA

Public Attendees: Charles Bennett representing Knouse Foods, James Bigham, Sean Delsem, Staci George from the Gettysburg Times, Robert Gordon, Richard Johnson, Nancy Jeane Hammett, Laura Morgan, Joseph Pinto, Coleen Reamer, Randy Reamer, Larry Schneider, Matthew Morris, and Douglas Woerner

At 7:30 PM Chairman Jacobs called the meeting to order and those present recited the Pledge of Allegiance.

Approval of the Minutes

Mr. Benner made a motion to approve the March 2005 Supervisors Board meeting minutes as presented, seconded by Mrs. Nicks. The Board unanimously approved this motion. The Supervisors' meeting is audibly recorded.

Public Comment

Mr. Reamer stated that he and his brother each own one lot in the Village of Orrtanna, PA, which has been used commercially. He requested that the lots be re-zoned from moderate density to commercial at the March 1, 2005 regular Supervisors Board meeting. He received a correspondence dated March 10, 2005 stating that the Supervisors have denied his rezoning request and that Solicitor Heiser agrees with the denial. He stated that these lots have been used commercially since before Hamiltonban Township adopted zoning. Chairman Jacobs stated these lots were grandfathered in at the time of zoning and can continue to be used as the lots are presently being utilized. Zoning Officer Nicks stated that the Hamiltonban Township's Zoning Ordinance requirements for a commercial zoning lot must be at least one-acre in size with a minimum lot depth of 120 feet. Neither of these lots can meet these requirements. Solicitor Heiser stated Mr. Reamer should consult with his lawyer concerning this issue.

Mr. Bennett made a brief presentation on the location of Knouse Foods properties in Orrtanna in regards to the proposed zoning changes. Knouse Foods is a commercial business at the present time and wants to continue the business with traffic and commercial apple processing wastes and smells. Solicitor Heiser stated that Knouse Foods representatives should attend the Public Hearing on April 12, 2005 at the Fairfield Area School District.

Mr. Morris of 1299 Old Waynesboro Road, Fairfield stated that the Old Waynesboro Road is in need of immediate repairs. His wife needed to have her car repaired because of the rough, pothole condition of the road. Road Master Deardorff stated that he has spoken to ISP Mineral and will schedule a meeting to discuss the co-payment of road repairs to this section of Old Waynesboro Road. Road Master Deardorff stated ISP Mineral has 180 tractor-trailers a day use this section of the road. This usage is causing the deterioration of the road.

There were several citizens wanting the Supervisors to discuss and answer questions on the proposed rezoning changes. Solicitor Heiser stated repeatedly to the citizens to attend the Public Hearing on April 12, 2005 and make your comments. The Supervisors will listen to your comments at the public hearing and make decisions on text and map changes at a later date. Citizens continued to ask questions and wanted to obtain answers. Chairman Jacobs stated that the Supervisors have and will continue to consider the impact of the proposed rezoning from various points of view and will consider the impact on the area. Citizens wanted to know the Supervisors reasoning for the rezoning changes and what studies are being done to support their decision. Road Master Deardorff stated that he is listening but not saying anything at this time. The Supervisors will make their decisions after the public meeting, and after reading the official transcript. The Supervisors are not required to give a written response to their vote.

A resident of Third Avenue in the Village of Orrtanna questioned Zoning Officer Nicks as to why the Township does not plow the snow off Third Avenue. Chairman Jacobs stated the sewer line was installed along Third Avenue but the Township does not own the street. The Township does not want to ordain, maintain or plow snow on Third Street in Orrtanna, PA.

Solicitor Heiser's Report

Solicitor Heiser presented Resolution 01-05 concerning the review and reporting fees for subdivisions and land developments. This ordinance would allow the Board of Supervisors to levy fees on applicants for subdivision and/or land development reviews and reports by the Township's professional consultants. Vice-chairman Eckert made a motion to adopt Resolution 01-05, seconded by Mr. Benner. The Board unanimously approved this motion.

The Pennsylvania Municipal Code does not require a set time that the Supervisors need to respond to a public hearing but the Hamiltonban Township's Zoning Ordinance Article XV, Amendments, Section 1500, E. states that "The Township Supervisors shall act to approve or disapprove said amendment within forty-five (45) days after the date of said public hearing."

Solicitor Heiser presented a development escrow agreement for Empire Homes proposed McGinley Delight Development and the Township. The agreement states "The developer shall pay unto the Hamiltonban Township the sum of \$10,000 as an escrow, which sum shall be held by the Township, without interest, when the funds deposited are reduced to the sum of \$3,000, the developer shall be obligated to replenish the escrow account to the original amount. The Secretary/Treasurer Dille will make copies of this agreement and distribute a copy to each Supervisor to review for possible action at the May 3, 2005 regular Board meeting.

There is nothing new to report on the Nicholas/Indian Trail Inn situation. Solicitor Heiser would like the Nicholas's address again.

There is an ordinance that needs to be approved by the Supervisors for the \$25,000 State loan grant with a 2 % interest rate for the purchase of the 2005 Peterbilt dump truck. Solicitor Heiser will review the ordinance application after the accountant completes their portion of the application.

Solicitor Heiser received the ordinance to reduce the size requirement for the Uniform Construction Code. He needs to modify the ordinance.

Planning Commission

Mr. Benner made a motion to approve the Kiehl/Bigham Subdivision Plan, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

The Seltzer Preliminary/Final Subdivision Plan was signed after DEP's approval was received on March 28, 2005.

Vice-chairman Eckert made a motion to approve the Donaldson/Benner Preliminary/Final Subdivision Plan, seconded by Road Master Deardorff. The Board approved this motion with Mr. Benner abstaining.

Vice-chairman Eckert made a motion to approve the Amended Phase II Plan for the House of Studies on Tract Road, seconded by Road Master Deardorff. The Board unanimously approved this motion. Martin and Martin recommends if and when the House of Studies wants approval for the final Phase III Plan, they submit a corrected land development plan, indicating the reduced Phase II.

Treasurer Report and Approval of Expenditures

Mr. Benner made a motion to approve the Treasurer's Report and the Expenditure Report for March 2005, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

Treasurer's Report

May 2005	Revenues	Expenses	Transfer	Balances
General Account				
ACNB Checking Account	\$60,101.77	\$45,961.99	\$20,000	\$12,279.43
ACNB Savings Account	14.24			21,299.19
ACNB CD				50,781.77
PLGIT	106.13		20,000	<u>105,466.70</u>
Total Assets				\$ 189,757.09
Sewer Account				
ACNB Checking Account	7,052.46	1,884.70		5,361.71
ACNB Savings Account	6.08			9,055.92
CDBG				145.33
PLGIT	66.98			<u>33,339.46</u>
Total Assets				\$47,902.42
State Liquid Fuels Account				
PLGIT	86,799.86	88.64		89,967.80
Emergency PLGIT	8.58			<u>4,647.00</u>
Total Assets				\$94,614.80

Secretary's Report

Secretary/Treasurer Dille presented Supervisor Eckert with a plaque from Toys For Tots for his many years of volunteering.

EMA

Twelve cases of flares have been received from Carroll Valley Borough through a State contract.

Police Report

Officer Larmer presented her March 2005 Police Report. She had 35 traffic arrest, three investigations, five warnings, and five criminal arrests. She used 128.5 gallons of fuel, traveled 1,835 miles. There was a situation at 1604 Iron Springs Road, Fairfield, when she was off duty that the State Police never responded to the complaint. A correspondence has been sent to Penn Dot asking them to change the permitted time to reflect the actual hours that are posted on the Fairfield Area School Districts flashing school sign. Road Master Deardorff thanked Officer Larmer for finger printing his son's Cub Scout Pack. Vice-chairman Eckert made a motion to approve the March 2005 Police Report as presented, seconded by Mrs. Nicks. The Board unanimously approved this motion.

Road Reports

On May 10, 2005, starting at 5:30 PM at 23 Carrolls Tract Road, Fairfield, PA the Supervisors will begin to conduct the annual Spring Road Inspection with Mr. Benner driving his van.

Road Master Deardorff attended the first meeting involving updating the Adams County Comprehensive Plan. Adams County has chosen to begin the comprehensive plan updated with the transportation portion first. This is a continuing project.

On April 6, 2005 the final seal coat will be placed on the 2004 section of Mount Hope Road project improvement.

Potholes are being repaired on an as needed base.

Within the last seven to eight years of road projects 35-40% or 13.5 miles of the Township roads have been completely rebuilt to include the following:

1998 Seal coated approximately 4.5 miles; Newman Road, Upper Mount Hope, Bullfrog Road between Carrolls Tract Road and Route 116, far end of Moritz Road, Baker Road

1999 Re-built the dirt section of Newman Road and Knox Road approximately 2 miles

2000 Re-built upper part Gum Springs Road approximately 1.5 miles

2001 Hot mixed four (4) sections approximately 1 ¼ miles; ¼ mile Bullfrog Road, two ¼ mile sections of Cold Springs Road, ½ mile in the Village of Orrtanna

2002 Re-built the back of Mount Hope Road approximately 2 ½ -3 miles

2003 Base repair, motor pave, seal coat upper Cold Springs Road approximately 3 miles

2004 Re-built upper Mount Hope Road approximately 3 miles

2005 Proposed to finish upper Mount Hope Road to include replacement of the culvert approximately 1.4 miles.

Winter expenses were approximately \$26,843, which is \$83.00 per mile. This includes labor and material used.

Sewer Plant

The Orrtanna Treatment Plant is operating as well as it can run at the capacity that is allowed. Two pumps were delivered this week and will be installed next week. The pumps should correct the maintenance and leaking problems that were occurring. The propane line should be installed to the back-up generator by next meeting.

There was a correspondence from DEP dated March 29, 2005, concerning the Chapter 94 Report. As Engineer Fred Heerbrandt indicated, DEP is concerned about the hydraulic overload at the treatment plant. The Board will need to develop an action plan. The Board generally agreed that the problem is probably occurring in the manholes at Little Marsh Creek. Road Master Deardorff explained that the Road Crew, Sewer Operator Howie Kessel and himself would be conducting an inspection of the manholes and looking for infiltration sites in the near future. The next step will be to video the problems sites. PA Rural Water Association will video 200-300 feet of the sewer line free of cost because the Township is a member of this organization. York Springs Municipal Authority gave the Township a very reasonable quote to video the remaining sewer lines.

Zoning Officer's Report

Zoning Officer Nicks spoke to Joseph Pinto and Viliane Verlinden concerning their real estate advertisement for their house at 400 Orchard Hill Drive, Orrtanna, PA. In the Agriculture District only single-family dwellings are permitted. The permit was issued for a single family dwelling with a mother-in-law area.

Zoning Officer Nicks issued four permits. One permit for each of the following: an agriculture shed/demolition, a storage shed, a new home, and one use and occupation permit. He refused to issue one permit for a new home because a sewer permit had not been issued yet. He attended two meetings: Supervisors and Planning Commission public. He did one inspection for the Gauss Subdivision Plan with Chairman Jacobs, Supervisor Nicks and Secretary/Treasurer Dille. Correspondence was sent to all landowners that properties would be included in the proposed rezoning district changes and text changes. Correspondence was sent to the adjoining municipalities and the Department of Defense. He set up a display of the map and text changes on the front table of the business office at 23 Carrolls Tract Road. Secretary/Treasurer Dille thanked Zoning Officer Nicks for the very useful display. He posted the proper zoning hearing notices around to the various sites. He has a map of the locations of the posted notices and has given Solicitor Heiser a copy. Zoning Officer Nicks worked 40.75 hours, traveled 111 miles, had 64 telephone calls, and telephone charges of \$14.15. Vice-chairman Eckert made a motion to approve the March 2005 Zoning Officer's Report, seconded by Chairman Jacobs. The Board unanimously approved this motion.

Vice-chairman Eckert made a motion to allow Walter and Joyce Bull at 90 Harbaugh Valley Road, Fairfield, PA. to maintain in his present trailer for six months after his new Keystone House use and occupancy permit has been issued, seconded by Road Master Deardorff. The Board unanimously approved this motion. Zoning Officer Nicks will complete an inspection to verify if it is an old trailer and not a house that he is replacing.

Zoning Officer Nicks had a telephone call from Eddie Spence. Mr. Spence has completed all the requirements for his land development plan but Planning Commission has not approved the plan as of yet. Mr. Spence would like to start the construction of his log home immediately since he has had the logs for quite some time. Road Master

Deardorff stated that the Supervisors cannot approve a plan that has not been approved by the Planning Commission. Everyone else must follow the proper procedures so should Mr. Spence.

James Izer of 1044 Iron Springs Road stated there is a bulldozer on his property which belongs to George W. Nicholas. If Mr. Nicholas does not remove the old rusty bulldozer soon he will have Wagerman Salvage Yard remove it. It was also noted that Mr. Nicholas might be trying to do something with the Indian Trail Inn. Zoning Officer Nicks has not issued a building permit nor a demolition permit. If any new construction takes place Mr. Nicholas has been told he must comply with the Uniform Construction Code.

New Business

Amy Harbaugh Tax Collector shared some interesting statics she obtained at a tax collectors update seminar. Of the Fairfield Area School District, Hamiltonban Township has the largest population over 65 years old. Also Hamiltonban Township has the most rental properties of the school district. Approximately 3,000 tax statements are sent annually.

Old Business

The requested traffic study on Route 116 (S. R. 0116) from the Fairfield Area School District to the border of Hamiltonban Township and the Borough of Carroll Valley will be conducted by Penn-DOT in the near future.

Mrs. Nicks stated at the February regular Board meeting she requested an inventory list of the vehicle repairs and road materials used on each road. Secretary/Treasurer Dille stated she has kept a record of the vehicle repairs for 2005 by vehicle. If Mrs. Nicks would like Secretary/Treasurer Dille will show her the records tonight. The Road Crew is very careful to indicate on receipts which roads were repaired with stones or other materials.

Mrs. Hammett stated that the Supervisors are doing a good job and they have a lot of decisions to make. She asked about the Empire Home Subdivision Plan called McGinley Choice and Barry Fitz' possible subdivision plan. To date the Township has only received sketch plans for McGinley Choice, and nothing has been submitted from Barry Fitz.

Next Regular Board Meeting

The next regular Board meeting will be May 3, 2005, at 7:30 PM, at 23 Carrolls Tract Road, Fairfield, PA.

Adjournment

At 9:41 PM Vice-chairman Eckert made a motion to adjourn the meeting, seconded by Road Master Deardorff. The Board unanimously approved this motion.

LuAnn M. Dille
Secretary/Treasurer

Stephen W. Jacobs
Chairman