

**Hamiltonban Township Board of Supervisors**  
**Regular Meeting**  
**23 Carrolls Tract Road, Fairfield, Pa 17320**  
**June 7, 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:** Solicitor Henry O. Heiser, III, Police Officer Juanita Larmer, Zoning Officer Milton Nicks, and Planning Commission Secretary Pamela Wiehagen who recorded the meeting, Secretary/Treasurer Dille was at her daughter's high school baccalaureate

**Public Attendees:** John Baker, Staci George from the Gettysburg Times, Coleen Reamer, Robert Gordon, 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**

Supervisor Benner made a motion to approve the May 2005 Supervisors Board meeting minutes and the special meeting minutes to consider the adoption of Ordinance 01-2005 as presented, seconded by Supervisor Nicks. The Board unanimously approved this motion.

**Opening of the Bid**

There were bids from Valley Quarries and Vulcan Materials for aggregate. Valley Quarries was awarded the bid with a motion from Road Master Deardorff, seconded by Supervisor Nicks. The Board unanimously approved this motion.

ShIPLEY Energy was the only complete bid for fossil fuels for trucks, police vehicle and heating. McDannell Oil only bid for #2 fuel oil. Road Master Deardorff made a motion to accept ShIPLEY Energy bid for fossil fuels, seconded by Supervisor Benner. The Board unanimously approved this motion.

Hammaker East, LTD. and Wilson Paving only bid on the CR 5-2PM (E-3M) and CMS-2 (E-5). There were no bids submitted for the BCBC, ID 2 binder and wearing, and ID 3. Vice-chairman Eckert made a motion to accept Hammaker East, LTD bid for Cr 5-2PM and CMS-2, seconded by Road Master Deardorff. The Board unanimously approved this motion.

Solicitor Heiser will research if the Township will need to re-bid the BCBC, ID-2, and ID-3 or just obtain quotes for these materials.

**Public Comment** None at this time

**Planning Commission**

Planning Commission is recommending that the Supervisors reject the incomplete Gauss Subdivision Plan. Supervisor Nicks made a motion to deny the incomplete Gauss Subdivision Plan, seconded by Vice-chairman Eckert. The Board unanimously approved this motion. Solicitor Heiser stated that the notice to Gauss should include the articles and sections that are incomplete on the subdivision plan. The Board directed Planning Commission Secretary Wiehagen to draft the correspondence for the Gauss denial noting the articles and sections from the zoning ordinances.

Fellowship Baptist Church had a correspondence from Rex Benchoff concerning the stormwater management plan. The Board took no action and they are waiting on the Township's engineer Tim Cormany review.

**Solicitor's Report**

Solicitor Heiser stated that Judge Kuhn made a judgment in favor of the Township concerning the Moore's. The Moore's have 30 days to comply by cleaning up their property. Officer Larmer was requested by Solicitor Heiser to examine the property. She told him it looks worst today then before. Road Master Deardorff agreed with Officer Larmer that the property is still a mess. Solicitor Heiser stated two supervisors will need to go to the Moore's on June 17, 2005 to examine the property. If the property is not cleaned up Solicitor Heiser would like a motion tonight to proceed with filing a finding of Contempt of Court with Judge Kuhn. Judge Kuhn will probably give the Moore's another 30 days to clean up the property and if they do not clean up the property they will be in civil contempt, and will be incarcerated until the property is cleaned up. Road Master Deardorff made a motion to have Chairman Jacobs and himself examine the Moore's property on June 17, 2005. If the property is not cleaned-up, they will inform Solicitor Heiser so that he may move forward with the next legal procedures, which is to file Contempt of Court, seconded by Vice-Chairman Eckert. The Board unanimously approved this motion.

On June 7, 2005 Solicitor Heiser mailed a Notice of Intent to the Nicholas, owners of the Indian Trail Inn. This is a similar civil procedure as with the Moore's.

At the July 5, 2005 Supervisors meeting, this Board should pass the inter-municipal agreement for the Uniform Construct Code (UCC) Appeal Board. Because there were some changes this ordinance was not passed earlier. This ordinance will be properly advertised for possible adoption at the next Board meeting.

Solicitor Heiser suggested that the Supervisors hold a public hearing before the July 5, 2005 regular meeting for changing the requirement concerning the size of the structure needing UCC inspections from 1,000 square feet to 250 square feet. The Supervisors agreed to have a public hearing at 7:00 PM with the regular board meeting at 7:30 PM on July 5, 2005. Debra Zepp will be the court stenographer.

Zoning Officer Nicks stated that Randy Reamer has obtained a sewer permit from KPI for his illegal cabin off Tape Worm Lane. Zoning Officer Nicks stated he would give Mr. Reamer until June 10, 2005 to obtain a building permit before he would send him a correspondence. Zoning Officer Nicks would like Solicitor Heiser to proceed with

the next step with Sharon Hartlaub, who also has an illegal cabin on Tape Worm Lane. She refused to sign for a certified correspondence from Zoning Officer Nicks.

Road Master Deardorff would like Solicitor Heiser to review the advertisement for selling the 89 Chevrolet single axle dump truck, as is, for a minimum bid of \$2,000.

### **Treasurer's Report**

Supervisor Benner made a motion to approve the June 2005 Treasurer's Report as presented, seconded by Supervisor Nicks. The Board unanimously approved this motion.

### **Approval of Expenditures**

Supervisor Nicks made a motion to approve the expenditures for June 2005 as presented, seconded by Supervisor Benner. The Board unanimously approved this motion.

June 2005	Revenues	Expenses	Transfers	Balances
<b>General Account</b>				
ACNB Checking	\$23,437.89	\$83,964.61		\$ 3,089.77
ACBN Savings	11.41			21,252.00
PLGIT	234.06			225,865.15
ACNB CD				<u>51,264.71</u>
Total Current Assets				\$301,471.63
<b>Sewer Account</b>				
ACNB Checking	303.29	14,053.58	12,000	284.16
ACNB Savings	4.87			9,065.65
PLGIT	71.77			21,475.36
ACNB CDBG				<u>145.33</u>
Total Current Assets				\$ 30,970.50
<b>State Liquid Fuels</b>				
PLGIT		231.06		69,432.23
PLGIT Emergency Fund	10.00			<u>4,665.94</u>
Total Current Assets				\$ 74,098.17
<b>McGinley Choice Escrow Account</b>				
				\$9,467.05

### **EMA Report**

Vice-chairman Eckert stated he would be attending the South Central Pennsylvania Counter Terrorism Task Force Briefing at the Adams County Emergency Service Center, Gettysburg, Pennsylvania.

### **Police Report**

Officer Larmer presented her monthly report. There were 50 complaints/service calls, 5 investigations, 16 traffic arrests, 6 warnings, and 7 criminal arrests. She traveled 1,337 miles, used 119 gallons of fuel, which is 11.24 miles per gallons of fuel. Each Supervisor was given a copy of her certificate of completion for the Methamphetamine Laboratory Awareness class she attended on May 17, 2005. On June 4, 2005 at 11:30 PM while driving the 2000 Ford Victoria she hit a deer on Gum Springs Road. No damage was done to the vehicle. She made the proper report. Carroll Valley and Liberty

police officers verified a deer was hit. There was blood and hair at the scene. Carroll Valley and Liberty Township Police Officers tried to find the deer but she crawled off into the woods. Officer Larmer jammed her thumb on her right hand and was putting ice on it when she received a call for an accident on Mount Hope Road near Shaffer Lane. While she was at that accident scene she had the Fairfield Ambulance Corp examine her thumb. It is fine. She did not clear that accident until 6:00 AM Sunday because wires were down on the vehicle and road. She had to wait until a telephone crew arrived from Huntington, Pennsylvania to correct the wire damage. Road Master Deardorff would like to charge the telephone company for the additional labor hours waiting for the repair vehicle.

### **Road Report**

Road Master Deardorff stated that earlier this evening the Board agreed to sell the 89 Chevrolet single axle dump truck, as is, for a minimum bid of \$2,000. Road Master Deardorff gave the following road report:

1. All the utilities have been marked along Mount Hope Road for this year's road project.
2. The Township is renting a roller for a week and purchasing black top to repair Old Route 16, short cut 16, Zoo Road, lower Hickory Bridge Road, and lower Cold Springs.
3. Old Route 16 repair cost will be shared with ISP Minerals. He has met with ISP Minerals three times to reach an agreement for a joint reconstruction plan for old Route 16 over the next year or two. ISP Minerals will pay at least 50% of the reconstruction cost.
4. The Borough of Carroll Valley's grader will be grading the Township's dirt roads within the next two weeks. This is usually done twice a year, now and again in the Fall.
5. The Mount Hope Road culvert will be visually corrected by widening the roadway on both sides of the approach to the culvert.
6. All pot holes have been patched on an as needed basis.
7. Cold Springs Road and Baker Road berms have been sealed.
8. Painting of the yellow line on Mount Hope Road has been scheduled.
9. All Township roads berms have been mowed for the first time.

### **Sewer Report**

Road Master Deardorff stated that he has communicated with William F. Hill Sewer Engineer Heerbrandt. The plan is to clean the lines and videotape the lines in the Fall because the water level is high at the present time. The quarterly well tests were collected today. Sewer plant operator Kessel will be on vacation June 16 through June 20, 2005, Rob Almstrom will be the substitute plant operator. There are two days of work to repair the sewer plant spray fields lines. This will be completed in between road projects. Vice-chairman Eckert has mowed the spray fields once to date. Supervisor Nicks made a motion for William F. Hill Sewer Engineer Heerbrandt to proceed with Act 57 mandated study, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

### **Zoning Officer's Report**

Zoning Officer Nicks issued 19 permits. One permit of each of the following: home addition, Fairfield Area School District addition, exchange of a mobile home. Four permits for new homes and accessory buildings. There were 6 use and occupancy permits issued. One permit was denied because there was no sewer permit issued. He attended six meetings: Supervisors, Planning Commission, Special Supervisors meeting for proposed zoning amendment public, two meetings with Solicitor Heiser concerning Carl Bower, Saint Mary's Church for UCC paperwork. He did five inspections: three at Carl Bower's property, Langas' property for if a permit was issued, Wellspan for a thirty day temporary sign. A permit had been issued to Langas and was posted. He wrote three letters: two concerning Carl Bowers and one to PNC Bank for refinancing of the Kauffman property. He had 73 telephone calls, long distance calls of \$33.07, traveled 292 miles and worked 58.75 hours. Vice-chairman Eckert made a motion to approve Zoning Officer Nicks' June 2005 Zoning Report, seconded by Road Master Deardorff. The Board unanimously approved this motion.

One building permit was issued to Carl Bower for two sheds built years ago. One electric inspection was completed. A seconded building permit was issued for the house addition. This addition needs to comply with UCC inspections although it is 90% completed. When Mr. Bower was issued his house addition permit Zoning Officer Nicks had him sign and date a copy of the entire requirement he must meet per Zoning Officer Nick's correspondence dated May 18, 2005. On the recommendation from Solicitor Heiser, Zoning Officer Nicks stated Mr. Bower must complete all the requirements of the correspondence dated May 18, 2005 or the Township may take him to court to ensure he would comply. At the Planning Commission meeting of May 24, 2005 Mr. Bower started the process of obtaining a land development plan.

Sewer permits are issued on bedrooms not bathrooms or number of people living at the dwelling. Studios over garages can cause problems because they seem to turn into mother-in-law apartments. A mother-in-law apartment must be attached to the main dwelling according to the Township's ordinances. Studios cannot be used as residents. Zoning Officer Nicks called Re-Max because of the Pinto/Verlinden advertisement of their property as a house with two separate mother-in-law apartments. This house is in the agriculture district, which only permit a single-family dwelling.

Zoning Officer Nicks explained that the Township does not have a well ordinance and it would be possible for a resident to obtain a sewer permit, a Hamiltonban Township Land Use permit, pass all UCC inspections, and not have water available. The resident possibly would demand that the Township provide their water. Road Master Deardorff agreed there should be a well ordinance in the Township. Chairman Jacobs recalled an ordinance sometime ago. Supervisor Nicks stated that the Township's former Solicitor Robert Campbell drafted a well ordinance but she cannot find a copy of that ordinance. She has obtained three different well ordinances with a variety of complexity. Road Master Deardorff suggested that Supervisor Nicks and Zoning Officer Nicks compile information for a well ordinance for the next meeting. The Supervisors will review this information, and then could request that the ordinance be reviewed by the Township's engineer Tim Cormany and then Solicitor Heiser.

### **New Business**

The Township's FCC license has been renewed online.

**Old Business**

Chairman Jacobs, Coleen Reamer, Curt Musselman attended The Municipality's Role in Agriculture symposium at the Adams County Agriculture and Natural Resource Center, Gettysburg, Pennsylvania.

**The Next Regular Meeting**

The next regular meeting will on July 5, 2005, at 7:30 PM, at 23 Carrolls Tract Road, Fairfield, Pennsylvania.

**Adjournment**

At 8:54 PM Vice-chairman Eckert made a motion to adjourn the meeting, seconded by Supervisor Benner. The Board unanimously approved this motion.

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LuAnn M. Dille  
Secretary/Treasurer

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Stephen W. Jacobs  
Chairman