

Hamiltonban Township Board of Supervisors  
23 Carrolls Tract Road, Fairfield, Pa 17320  
Regular Meeting Minutes  
December 5, 2006

**Supervisors Present:** Chairman James E. Benner, Road Master Jay Edward Deardorff, Police Coordinator Coleen N. Reamer, and Supervisor Robert L. Gordon  
William E. Eckert, Sr. had another commitment

**Others Present:** Solicitor Henry O. Heiser, III, Zoning Officer Milton Nicks, EMA Coordinator Deputy Larry Schneider, EMA Coordinator Donald Wills, Secretary/Treasurer LuAnn Dille, Planning Commission Chairman Curtis Musselman and Planning Commission Secretary Pamela Wiehagen

**Public Attendees:** Christina Anders, Eric Bogn, Brendan deRoode West from The Evening Sun, Raechelle Embrey, James Kozero and James Hanna for Empire Homes /McGinley's Choice Subdivision and Land Development Plan,

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

**Approval of Minutes**

Police Coordinator Reamer made a motion to approve the November 2006 meeting with a correction on the last page that the November meeting was adjourned not the October meeting, seconded by Road Master Deardorff. The Board unanimously approved this motion.

**Public Comment**

Curtis Musselman was appointed by the Adams County Commissioners to the Adams County Green Space Program. He gave a brief statement concerning the Adams County Green Space Program. Judy Chambers drafted a letter of support for this program. Hamiltonban Township is currently drafting changes in the ordinances to include open space/green space. At this time the program is similar to the State's program and there is no obligation for funding. The Adams County Commissioners may allot a ½ mill of County tax revenues to this program. The County will match municipalities funding. The funds dispersion may be divided along the following percentages: 60% to preserve agriculture land, 20% to open space, 8% for parks and recreation, and 5 % for historical perseveration. Road Master Deardorff made a motion for Chairman Benner to sign the letter of support for the Adams County Green Space Program with no funding promised, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

Raechelle Embrey would like to open a dog and cat grooming shop in her basement at 2530 Iron Springs Road, Fairfield, PA. She is requesting a Customary Home Occupation Permit for grooming only, no boarding of any animals over night. Road Master Deardorff made a motion to approve issuing a Customary Home Occupation Permit to Raechelle Embrey for a dog and cat grooming shop at 2530 Iron Springs Road,

Fairfield, PA., seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

### **Planning Commission**

Supervisor Gordon made a motion to approve the Mickley/Donalson Fruit Farm Preliminary/Final Plan with the following four conditions: 1. The newly configured building setback lines for the Donaldson and Mickley properties to be illustrated, 2. Note 8 will be revised to read: "This plan is for subdivision purposes only. No construction, development or earthmoving activity is proposed at this time. Any future development shall be subject to all applicable Federal, State, and local requirements including, but not limited to, Township land development plan approval.", 3. The wetlands note is required to assess three different factors in its discussion Section 600.5, 4. A listing of all required reviews, permits and approvals is required, seconded by Road Master Deardorff. The Board approved this motion with Chairman Benner abstaining.

Supervisor Gordon made a motion to grant the Clapsadle/Anders' One Lot Subdivision request to be considered as a preliminary/final, seconded by Police Coordinator Reamer. The Board unanimously approved this motion. No other action was taken because the Adams County review has not been received to date.

Supervisor Gordon made a motion to grant Mr. Rood's request that the latest lot additions be considered as a preliminary/final plan and with the uses of a larger scale due to the magnitude of the land mass, seconded by Police Coordinator Reamer. The Board unanimously approved this motion. The scale is usually one inch to represent 100 feet but Mr. Roods will be allowed one inch to represent 200 feet.

Police Coordinator Reamer has a concern that the driveways/private road with the Rood's land additions. The land additions will allow access to these three lots off the private French Lane then off private Five Forks Lane which is off Irons Springs Road, Fairfield, PA. Currently these lots have access off private Tapeworm Lane. Tapeworm Lane is not much more than a logging path. Mr. Rood has a note included on the land addition plan concerning a maintenance agreement.

Planning Commission is recommending that the Board of Supervisors include a Water Impact Study-proposed Section 807 to the Subdivision and Land Development Ordinances, an Agriculture Nuisance Disclaimer, and to revise Section 402 Review of Plans, the revision would increase the initial plan submittal period from 10 working days to at least 21 days prior to but not including the day of the meeting.

Supervisor Gordon made motion to hold an open house for Growing Greener: Conservation By Design on January 10, 2007 from 5:00 PM to 8:00 PM at either the Fairfield Fire Hall or the Fairfield Area School District, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

The Board of Supervisors will have a workshop on December 28, 2006 to discuss private/public roads, panhandle/flag lots, shared driveways and private bridges. The Board has invited the Planning Commission to attend this meeting, starting at 7:30 PM, at 23 Carrolls Tract Road, Fairfield, PA.

Mr. Hanna from Empire Home/McGinley's Choice Development stated there will be curbs, gutters and sidewalks on each side of Union Avenue in the Borough of Fairfield but not in Hamiltonban Township. There was a lengthy discussion concerning sidewalks on each side of Union Avenue in Hamiltonban Township to include curbs and no curbs.

The discussion included safety of pedestrians, bike trails, speed of vehicles, width of Union Avenue, consistency of design, crosswalk markings, and the large number of driveways onto Union Avenue. A couple of questions were asked as to where sidewalks would be installed and where to plant trees. A question was asked if sidewalks and trees are in the Township's right-of-way who is responsible for maintaining the sidewalks and the trees. It was suggested to have sidewalks on at least one side of Union Avenue. No general concept/consensus was reached. Hamiltonban Township will consult with Adams County Planning and Development, Martin and Martin, Inc. Tim Cormany and with Solicitor Heiser.

In the proposed Hamiltonban Township townhouse section there will be sidewalks, curbs and gutters because of the density of residents.

Supervisor Gordon asked which section(s) or phase(s) would be developed first. No clear answer was given. Mr. Kozero responded that there will be a balance of earth movement because of soil and sediment requirements.

There are still two private legal issues to be resolved. One issue is between Thomas Brown with a no building zone near his new home, and the other is the right-of-way of Sander's Lane. Mr. Hanna stated these issues are being resolved between the legal counsels.

The Township would like an updated set of plans.

Road Master Deardorff made a motion to have Chairman Benner sign the addendum to the developer's agreement for additional insurance for McGinley's Choice Development, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

Mr. Kozero requested that Adams County Planning and Development especially Mr. Thaeler document in writing his comments about the need for sidewalks on Union Avenue in Hamiltonban Township. Hamiltonban Township's Planning Commission is to make sidewalk recommendations to the Board after their next regular meeting.

### **Solicitor's Report**

Solicitor Heiser distributed copies of a neighborhood improvement district from Empire Homes for McGinley's Choice. There will be a meeting in the near future with all involved parties. This is the way Empire Homes wants to finance the new sewer treatment plant for McGinley's Choice. It is a complex agreement and process.

Supervisor Gordon made a motion to adopt Resolution 15-2006, seconded by Police Coordinator Reamer. The Board unanimously approved this motion. This resolution is restating plan documents effective February 12, 2004 as amended for the Hamiltonban Township Police Retirement Plan,

Planning Commission Chairman Musselman asked Solicitor Heiser if Planning Commission or the Board can approve a subdivision plan without receiving Adams County Planning and Development Review. Solicitor Heiser stated that Adams County Planning and Development is a recommending body and that the Township should wait for their professional review and that this is outlined in the Municipal Plan Code. At 8:51 PM Solicitor Heiser left the meeting.

### Zoning Officer's Report

Zoning Officer Nicks gave the following November 2006 Zoning Officer's Report. No new building permits were issued during November 2006. He issues four Use and Occupancy Permits. He attended the Supervisors and Planning Commission meetings public. He completed the final Ott and Lefever well inspections. He received a complaint that at 700 Iron Springs Road, Fairfield, PA. the property owner was forging the stream and causing soil disturbance. Zoning Officer Nicks contacted Adams Conservation District/Rusty Ryan. The problem has been resolved. After Vice-Chairman Eckert called Middle Department Inspection Agency, Zoning Officer Nicks received several final inspection notices so that he would issue some outstanding Use and Occupancy Permits. A letter was written for Ms. Verlinden's insurance company to allow a house tender, which was approved by the Supervisors at their last regular meeting. Patrick Clapsadle is not living in the trailer on his parent's property at 2435 Mount Hope Road, Fairfield, PA. Mrs. Clapsadle offered to allow Zoning Officer Nicks to inspect the trailer. She stated it is being used for storage only and there is no bed in the trailer. Zoning Officer Nicks and Officer Larmer will continue to monitor the trailer.

At 9:01 PM Vice-chairman Eckert arrived at the meeting.

Road Master Deardorff made a motion to increase the Township's building permit fee from \$40.00 to \$50.00 for the first \$5,000 and from \$1.00 to \$1.25 per \$1,000 thereafter, seconded by Vice-Chairman Eckert. The Board unanimously approved this motion.

Vice-chairman Eckert made motion to establish a \$25.00 fee for the issuing of a Customary Home Occupation Permit, seconded by Supervisor Gordon. The Board unanimously approved this motion.

Police Coordinator Reamer made motion to create a committee of Zoning Officer Nicks, Vice-chairman Eckert and Supervisor Gordon to interview Land and Sea as the next third party inspecting firm for the Uniform Construction Code, the committee is to make a recommendation to the Board, seconded by Chairman Benner. The Board unanimously approved this motion.

Zoning Officer Nicks worked 27.25 hours, traveled 116 miles, had 39 telephone calls and long distance telephone charges of \$12.49. Supervisor Gordon made a motion to approve the November 2006 Zoning Officer's Report, seconded by Chairman Benner. The Board unanimously approved this motion.

### Treasurer's Report

Supervisor Gordon made a motion to approve the November 2006 Treasurer's Report as presented, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

<b>December 31, 2006</b>	<b>Income</b>	<b>Expenses</b>	<b>Transfer</b>	<b>Balances</b>
General Account				
ACNB Checking	40,500.91	45800.30	3,000	4,795.80
ACNB Savings	11.00			20,860.01
PLGIT	1,972.17		3,000	226,498.56
ACNB CD				<u>53,573.91</u>
Total Current Assets				305,728.28

Sewer Account			
ACNB Checking	210.10	4,838.74	3,540.76
ACNB Savings	3.25		6,173.08
PLGIT	106.01		<u>12,784.34</u>
Total Current Asset			22,498.18
State Liquid Fuels			
PLGIT Emergency	41.32		4,983.65
PLGIT	239.23		<u>9,863.92</u>
Total Current Assets			14,847.57

### **Approval of Expenditures**

Police Coordinator Reamer made a motion to approve the November 2006 Expenditures as presented, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

### **Secretary's Report**

Vice-chairman Eckert suggested renting the Buchanan Valley Fire Hall for 90<sup>th</sup> Adams County Association of Township Officials Convention in November of 2007. There is ample parking and they will serve a family style meal. The Board would like to wait to see if the Fairfield Fire Hall is available.

Supervisor Gordon made a motion to appoint Musselman and Creager, CPA firm to complete the annual audit of Orrtanna Treatment Plant loan for \$700, seconded by Road Master Deardorff. The Board unanimously approved this motion.

Chairman Benner made a motion to approve the November 2006 Secretary's Report, seconded by Road Master Deardorff. The Board unanimously approved this motion.

### **Police Report**

Police Officer Larmer gave the following November 2006 Police Report. Officer Larmer had 57 complaints or service calls, 13 traffic and four criminal arrests, gave four warnings and completed nine investigations. She traveled 1,172 miles, used 95 gallons of fuel for 12.34 miles per gallon of fuel. Officer Larmer and Carol Mattingly attended a J-Net training. A couple of the newly installed traffic lines for speed control are wearing off. When the weather permits the line will be painted with reflective paint. Police Coordinator Reamer made a motion to approve the November 2006 Police Report, seconded by Supervisor Gordon. The Board unanimously approved this motion.

### **EMA Report**

Police Coordinator Reamer made a motion to approve Resolution 14-2006, implementing the National Incident Management System, seconded by Supervisor Gordon. The Board unanimously approved this motion.

EMA Coordinator Wills attended a damage assessment seminar at Adams County Control. He did not charge the Township for his time only for mileage.

Tyree Company removed the contaminated soil from the Getty Gas Station at the intersection of Carrolls Tract Road and Route 116 to Hagerstown, Maryland for neutralization.

Supervisor Gordon made a motion to approve the November 2006 EMA Report, seconded by Road Master Deardorff. The Board unanimously approved this motion.

### **Road Report**

Road Master Deardorff gave the following November 2006 Road Report. Allegheny Power will charge \$481.32 for the installation of two span secondary services for street lights on Scotch Trail and Iron Springs Road/Greenstone at the railroad tracts.

1. On December 6, 2006 the Sycamore tree along Cold Springs Road/Battersby property in the Township's right-of-way will be removed. The stump will be ground out. The log will be taken to Shaffer's Sawmill. The brush will be chipped.
2. The Township can have the trucks winter ready anytime within two hours.
3. The Township's Road Crew is organizing the outside and inside of the maintenance facility.
4. Road Master Deardorff met with an Allegheny Power representative on the installation of two new street lights.
5. The annual yellow line was painted on all Township roads.
6. The Road Crew installed more driveway pipes last month.
7. The Township ordered and picked up a small load of arched pipe for road repairs and driveways.
8. The Township received the bolt bin and inventory.

Chairman Benner made a motion to approve the November 2006 Road Report, seconded by Supervisor Gordon. The Board unanimously approved this motion.

### **Sewer Report**

Road Master Deardorff gave the following November 2006 Sewer Report.

1. The effluent pumps are installed properly and in full operation.
2. The back-up generator should be installed in the next two weeks.
3. The grading and seeding has been completed on the steep slopes and perimeter of the new lagoon line.

The Township is still waiting for the results from the five manhole test samples from LABS, Inc.

Supervisor Gordon made a motion to approve the November 2006 Sewer Report, seconded by Chairman Benner. The Board unanimously approved this motion.

### **New Business**

The Board would like to continue holding the supervisor's workshop meetings on the last Thursday of each month.

Police Coordinator Reamer made a motion to proceed with a pool of municipalities to contract with a certified public account firm to re-audit the York Adams Tax Claim Bureau records, seconded by Supervisor Gordon. The Board unanimously approved this motion.

**Old Business**

Chairman Benner thanked Police Coordinator Reamer for her budget message. Vice-chairman Eckert made a motion to approve the 2007 General, Sewer and State Liquid Fuels Budgets with no tax increase, seconded by Road Master Deardorff. The Board unanimously approved this motion.

**Meeting Dates**

Supervisor's Workshop Meeting with Planning Commission invited will be December 28, 2006 starting at 7:30 PM at 23 Carrolls Tract Road, Fairfield, PA. 17320. This meeting is to discuss private road, private bridge and flag lots.

The Annual Re-organizational Meeting will be January 2, 2007 starting at 7:30 PM with the regular monthly Supervisors' Meeting to immediate follow at 23 Carrolls Tract Road, Fairfield, PA 17320

The Annual Elected Auditor's Meeting will be January 3, 2007 starting at 7:30 PM at 23 Carrolls Tract Road, Fairfield, PA 17320

Growing Greener: Conservation By Design informal public open house will be January 10, 2007 from 5:00 PM to 8:00 PM at Fairfield Fire Hall

**Adjournment**

At 9:51 PM Vice-chairman Eckert made a motion to adjourn the meeting, seconded by Chairman Benner. The Board unanimously approved this motion.

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LuAnn M. Dille  
Secretary/Treasurer

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James E. Benner  
Chairman