

**Hamiltonban Township Board of Supervisors**  
**Regular Meeting**  
**23 Carrolls Tract Road, Fairfield, PA 17320**  
**September 7, 2004**

**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:** Police Officer Juanita Larmer, Milton Nicks, Zoning Officer, Pamela Wiehagen, Planning Commission Secretary, Donald Wills, EMA, and LuAnn Dille, Secretary/Treasurer

**Public Attendees:** Mr. and Mrs. David Baker, Jeff Benton, Thomas Brown, Mr. and Mrs. Jeffrey Evans, Ray Lindquist, and Allen Shultz

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

**Approval of the Minutes**

The Board unanimously approved the August 3, 2004 Supervisors Board meeting minutes. The Supervisor's meetings are audibly recorded.

**Public Comment**

Mr. Brown does not like the new configuration of the meeting room. He preferred the room arrangement when the Supervisors were in a straight line, instead of the Supervisors around the table. He would like the Board to consider enlarging the meeting room. He wants to go on record stating he hired his attorney to research executive sessions. He went to Chairman Jacobs home to discuss this issue. Chairman Jacobs was weeding his garden as they discussed the issue. Mr. Brown did not give Chairman Jacobs a copy of the executive sessions report. Mr. Brown gave a copy of the report to the Township's Secretary to keep on file. Mr. Brown asked if the sewer audits have been completed. The Hamiltonban Township Sewer Audits for the Orrtanna Treatment Plant have been completed and with no findings. As a follow-up from last months meeting the EMA computer, which was the newest computer, went to the police department, the police department's computer went to the EMA office, and the oldest computer went to the Road Crews office.

Mr. and Mrs. David Baker and their attorney want to resolve the problems concerning the Baker's building a house off Newman Road at 160 Trinity Lane, Fayetteville, PA. There was a lengthy discussion concerning a number of issues. At the present time there is a major dispute over the right-of-way to the property off Newman Road. The Baker's have placed a driveway into their land locked property over Lewis Sprow's and Jeffrey Benton's properties. Zoning Officer Nicks was given a letter from Keller, Keller, Frey and Beck, LLC who are representing Mr. Sprow, stating to Mr. David Baker that Mr. Baker must cease and desist the intentional trespassing on Mr. Sprow's property in order to establish a right-of-way to land which has no direct road access. There was a house at this site that was destroyed by fire in 1982. Mr. Baker stated the old house must have had a driveway and why must he get a permit now. The Baker's had a sworn statement from the previous owner that this right-of-way has been used for the past 25 years and was his only access to the property. Mrs. Baker stated her father previously owned the Gullas' property and went to court over the right-of-way. Judge Kuhn walked the property and stated this is a road, which is Trinity Acres, which goes all the way around from Baker Road to Newman Road. Mr. Sprow closed the road in 1992 by dumping dirt to close the right-of-way. Solicitor Heiser stated entitlement to a road is not a public issue. This is a civil issue.

On September 3, 2004, Zoning Officer Nicks placed a Stop Work Order on the property because a 14' X 36' shed was placed without a permit. With a Stop Work Order the Baker's cannot use the shed until it is properly permitted. Mrs. Baker stated they are selling their present home on September 9, 2004 and want to use the shed to store their furniture until their house is built.

Also on September 3, 2004 South Mountain and Buchanan Fire Companies were called to the site to put out an unattended pile of burning stumps, logs, and tires.

The Baker's requested permission to place a 5<sup>th</sup> wheel camper on their property next week. They want to live in the camper until their house is built. Zoning Officer Nicks stated there is no sewer, water, or electricity at the site. Mr. Baker stated it is all in the process. The electric company is waiting on the right-of-way issue to be resolved. Zoning Officer Nicks stated the Universal Building Code (UCC) does not recognize temporary housing. House trailers must be tied down and secured for a U & O permit under the UCC.

Mrs. Baker asked the Supervisors for permission to leave the illegal shed where it has been placed; allow them to use the shed for storage of their

furniture, and to allow them to live in their 5<sup>th</sup> wheeler until their house is built.

At 7:55 PM Road Master Deardorff called for an Executive Session to discuss these issues. At 8:07 the Supervisors returned. Chairman Jacobs made a motion to remove the Stop Work Order from the illegally placed shed, and allow the Baker's to store their furniture in the shed. The shed must have the proper setbacks. Road Master Deardorff seconded this motion. The Board unanimously approved this motion. The Supervisors did not approve of the shed being placed without the proper permit process but believe it would be an additional burden to have the Baker's remove the shed. It was noted that it is the Baker's responsibility to:

1. Obtain a legal right-of-way to the property
2. Obtain electrical service
3. Obtain a driveway permit
4. Obtain a sewer permit
5. Obtain a building permit for their primary residence
6. Obtain an accessory building permit for their 14 foot X 36 foot shed, which was illegally installed

### **Planning Commission**

Allen Shultz, of 10844 Loop Road, Fayetteville, PA would like to use the present 50 foot right-of-way for lots 1, 2, 3, and the residue instead for adding another 20 foot right-of-way to the front of the property for the residue lot. This would add one more lot onto an existing private road. This would eliminate another driveway on to the Cold Springs Road. Mr. Shultz gave the Supervisors a written request that the Supervisors allow the use of the 50 foot wide right-of-way on Faith Lane to be used to service lots 1, 2, 3 and the residue, in order to alleviate the possibility of a 70 foot of right-of-way onto Cold Springs Road from Faith Lane. Mr. Benner made a motion to approve Allen and Faith Shultz's waiver to allow lots 1, 2, 3, and the residue to use the current right-of-way, seconded by Road Master Deardorff. The Board unanimously approved this motion.

There are no subdivision plans to approve tonight but Planning Commission would like the Supervisors to approve the zoning district changes and to proceed with the zoning hearing. Road Master Deardorff made a motion to change the zoning district in the following areas:

1. Route 16 corridor from Jacks' Mountain Road to the Hamiltonban Township /Franklin County line from R-2, Moderate Density Residential to R-3 Mixed Residential.
2. The southwest corner of Carrolls Tract Road to the Mount

Hope Road intersection to include six properties, from Agriculture to R-2 Moderate Density.

3. The area adjoining the proximity of the Knouse Foods, Inc. Plant from Industrial to R-2 Moderate Density therefore the village of Orrtanna will be zoned R-2, leaving just Knouse Food property zoned Industrial.

4. The area located on each side of Bullfrog Road in close proximity to Valley Quarries, Inc. from Industrial to Agriculture.

The area beyond Quebecor World, Inc on Fairfield Station Road will remain R-2 Moderate Density. Vice-chairman Eckert seconded this motion. The Board unanimously approved this motion. Secretary/Treasurer Dille will call Solicitor Heiser to setup a date for the zoning hearing.

Planning Commission also recommended the text change to Section 803.2 as follows: Lots used for single-family detached dwellings in the Agriculture Zoning District shall utilize the Low Density District, R-1, for building setbacks requirements for such structures as found in Article 9. Road Master made a motion per Planning Commissions recommendation, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

There was a discussion between the Supervisors and Planning Commission Secretary Pamela Wiehagen. Mrs. Wiehagen would like to strictly adhere to the 10 working days submission period for plans prior to the Planning Commission meetings.

### **Solicitor's Report**

Solicitor Heiser left the meeting therefore there is no report.

### **Treasurer's Report**

Mrs. Nicks made a motion to approve the 2005 MMO for the Police Pension with a MMO of zero, seconded by Mr. Benner. The Board unanimously approved this motion.

Mrs. Nicks made a motion to approve a six (6) month employment eligibility requirement instead of a one-year requirement for the non-uniform pension plan: Road Master Deardorff seconded the motion. The Board unanimously approved this motion.

Mrs. Nicks made a motion to approve the 2005 MMO for the non-uniformed employee's pension plans for \$14,544. The Board unanimously approved this motion.

The Supervisors will consider approving the donations to the three local fire companies in November as in past years.

September	Revenue	Expenses	Transfer	Balance
<b>General Account</b>				
ACNB Checking	18,219.02	49,135.32	15,000	\$ 6,943.71
ACNB Savings	14.17			21,173.93
PLGIT	150.66			131,584.97
ACNB CD				<u>100,000.00</u>
Total Current Assets				\$259,702.61
<b>Sewer Account</b>				
ACNB Checking	307.14	4,021.03		\$ 364.54
ACNB Savings	6.04			9,019.57
ACNB CDBG				139.44
PLGIT	45.58			<u>45,248.32</u>
Total Current Assets				\$54,771.87
<b>State Liquid Fuels</b>				
PLGIT	59.08	54,227.50		\$ 4,166.20
PLGIT Emergency Fund	4.63			<u>4,599.54</u>
Total Current Assets				\$ 8,765.74

### **Approval of Expenditures**

Mr. Benner made a motion to approve the expenditures for September 2004, seconded by Road Master Deardorff. The Board unanimously approved this motion.

### **Secretary Report's**

Chairman Jacobs made a motion to hire Rhonda Ringler to clean the office once a month for \$50.00, seconded by Mr. Benner. The Board unanimously approved this motion. Chairman Jacobs made a motion to approve Mr. Rood to work with Secretary Dille to create a web site, seconded by Road Master Deardorff. The Board unanimously approved this motion.

### **Police Report**

Because Officer Larmer was detained with a police issue, Secretary Dille presented a cost list for repair and/or replacement of the ESP unit.

Vice-Chairman Eckert stated there is vascar in each police vehicle and that should be sufficient.

Mr. Benner made motion for the Township to purchase a cell phone and service for Chairman Jacobs, who is also the head of the police department and to pay the same amount to Road Master Deardorff for the use of his cell phone, seconded by Mrs. Nicks. The Board unanimously approved this motion.

At 9:07 PM Officer Larmer arrived at the meeting. A new Olympia camera was found in the shed. Vice-chairman Eckert stated he would like it for the EMA office.

The resident at 150 Zoo Road, Fairfield has a large accumulation of animals. Her neighbor in the Borough of Carroll Valley has made several complaints in the last two years. The poultry animals were moved closer to the road to help with the complaint from the Carroll Valley resident but the problem is increasing. There are too many poultry animals for the space, it smells and there is not enough land to allow for the proper disposal of animal waste. The Supervisors will support Officer Larmer as she enforces Hamiltonban Township's Animal Ordinance. Road Master Deardorff stated he had a complaint about dogs out at night on Bourdon Trail and goats on Fairfield Road, Fairfield.

### **EMA Report**

EMA Director Eckert presented a report on the unattended pile of burning stumps and logs at the Baker's property in Fayetteville on Friday, September 3, 2005. Tires were found burning among the stumps and logs. Foam was used to extinguish the fire. The cost of the foam will be charged to the Baker's.

Road Master Deardorff made a motion to approve Resolution 05-2004, The Adams County Hazard Vulnerability Assessment and Mitigation Plan, seconded by Mrs. Nicks. The Board unanimously approved this motion.

### **Road Report**

Vice-chairman Eckert made a motion to give Jack Ringler his six-month 5% probation raise. This is an increase of \$.58. Road Master Deardorff seconded this motion. The Board unanimously approved this motion.

Road Master Deardorff gave the following Road Report for August 2004:

### On Mount Hope Road

from the Mount Hope United Methodist Church to the railroad tracts  
Cross pipes and culverts were completely installed

Hot mix was placed and rolled on the newly installed cross ditches

Graded 15 inches of grass off edges of road from below the church to the railroad tracts

Opened and graded ditches

Finished the French drain on Shaffer's Hill

Finished securing the Soap Stone Quarry Curve

Filled potholes with cold patch

Motor paving set for tomorrow and Thursday-weather permitting

### Short Cut 16

Re-ditched

Installed driveway pipe at Dick Fitz's rental house

Filled open ditch with #4 stone

Used excelsior matting in the grass area on the west side of the ditch

### BB Section

Opened ditches

Corrected drainage problem

### Zoo Road

Removed culvert - bridge

Replaced with culvert delineators

### Repairs

Scott's Auto and Transmission is repairing the steering box in the 97 Ford Vic

Scott's Auto and Transmission has replaced the transmission in the Chevy 1 ton. The motor was replaced seven years ago.

The 2004 Budget included the purchase of a \$700 - \$800 generator. This was never purchased and should be included in the 2005 Budget. Presently the Road Crew is using Fairfield Landscaping's generator when needed.

### **Sewer Report**

Road Master Deardorff gave the following Sewer Report for August 2004:

1. Myer's Electric is repairing and repacking one of two effluent pumps. When the first effluent pump is re-installed at the plant, the other

effluent pump will be taken to Myer's Electric to be repaired and repacked.

2. The spray field heads were repaired
3. A line valve needs replaced. There is a junction box leak, which needs to be repaired.
4. Knouse Foods, Inc. will start to install a new replacement sewer line from the power plant to Railroad Lane.
5. The first lagoon is scheduled to be pumped and cleaned starting the week of October 4, 2004. Kline's Inc. is scheduled to haul the solid waste to the City of Harrisburg, who granted Hamiltonban Township a permit to due so. If needed, a pump will be used to drain excessive water from the lagoon like last year.

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

Zoning Officer Nicks issued 10 permits in the month of August 2004. One permit was issued for the following: a Customary Home Occupation, an animal shelter, and a garage. He issued two permits for the following: storage shed units, home additions. He issued three use and occupation permits. He attended five meetings: Supervisors and Planning Commission public, Middle Department Inspection Agency, developers for Straugbaugh Farm, and with Mr. David Fair. He did three inspections: Knepper's for no building permit, Sutton animals in R-1 District, animal on Zoo Road. He worked 34.50 hours, traveled 212 miles, had long distance telephone charges of \$13.39, and responded to 48 telephone calls.

Vice-chairman Eckert made a motion to authorize Zoning Officers Nicks to purchase zoning signs for the proposed zoning district changes and for the regular zoning permits, seconded by Mr. Benner. The Board unanimously approved this motion. Zoning Officer Nicks would like Solicitors Heiser to advise him on the legal posting requirements for the zoning district changes and if a certified letter needs to be sent to each property owner affected by the rezoning district changes. Chairman Jacobs complimented Zoning Officer Nicks for his exemplary job as zoning officer. Mr. Benner made a motion to approve the August 2004 Zoning Officer's Report, seconded by Chairman Jacobs. The Board unanimously approved this motion.

### **Old Business**

Mrs. Nicks will represent the Township at the cable franchise renewal organization meeting on September 22, 2004 at 1:00 PM at Mount Pleasant Township Building, Gettysburg, PA.



**New Business**

The Board approved Secretary/Treasurer Dille to attend a secretary's luncheon on September 22, 2004, at 12:00 PM to 2:00 PM at Perkins Restaurant in Hanover, PA.

On September 14, 2004 at 7:30 PM the Supervisors will meet at 23 Carrolls Tract Road, Fairfield so that Road Master Deardorff can give the other Supervisors information he has gathered for purchasing a new fully equipped truck for 2005.

Officer Larmer requested that a stop sign be installed at Sour Mash and Scotch Trail. An ordinance must be approved before the stop sign is installed.

**Adjournment**

At 9:45 PM Mr. Benner made a motion to adjourn the meeting, seconded by Road Master Deardorff. The Board unanimously approved this motion.

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LuAnn M. Dille  
Secretary/Treasurer

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Stephen W. Jacobs  
Chairman