

Hamiltonban Township Board of Supervisors
23 Carrolls Tract Road, Fairfield, Pa 17320
Regular Meeting Minutes
October 2, 2007

Supervisors Present: Chairman James E. Benner, Vice-chairman William E. Eckert, Sr., Road Master Jay Edward Deardorff, Supervisor Robert L. Gordon, and Police Coordinator Coleen N. Reamer

Others Present: Solicitor Henry O. Heiser, III, Zoning Officer Milton Nicks, Secretary/Treasurer LuAnn Dille, Planning Commission Vice-chairman Stephen Jacobs, EMA Deputy Coordinator Larry Schneider, Planning Commission member Pamela Wiehagen, and EMA Coordinator Donald Wills

Public Attendees: Joe Benchoff, Howard and Jean Cline, Catherine Forrence, James Grinder, Barbara Nicks, William O'Neil, Dale and Doreen Premo, William Reinke, Harry Rood, Douglas Woerner, and Richard Fulton from the Gettysburg Times

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

Approval of the Minutes

Vice-chairman Eckert made a motion to approve the September 4, 2007, Board of Supervisors meeting minutes, seconded by Chairman Benner. The Board unanimously approved this motion.

Chairman Benner made a motion to approve the September 6, 2007 Joint Workshop meeting minutes, and the September 27, 2007 Board of Supervisors Workshop meeting minutes, seconded by Supervisor Gordon. The Board unanimously approved this motion.

Public Comment

Mr. Benchoff accompanied by Howard and Jean Cline requested that the Board of Supervisors approve the re-construction of a "Sunshine Trail" sign at its former location on the Cline's property at 2409 Waynesboro Pike, Fairfield, PA 17320. The Board was informed that Penn-DOT has already approved re-erecting the sign on the Cline's property. The Cline's gave the Township a copy of a newspaper article printed by the Record Herald dated March 22, 1991 on the history of the Sunshine Trail and four pictures. Secretary/Treasurer Dille will file the newspaper article along with the pictures in the archive file. Washington Township in Franklin County has given their approval and the sign has been re-erected on the west side of Sunshine Trail. They grandfathered the re-erection of the sign according to Mr. Benchoff. Zoning Officer Nicks stated that he had already talked to Mr. Benchoff and the Clines regarding the re-construction of the sign. He stated that the existing sign section of the Hamiltonban Township Zoning Ordinances does not permit a sign of this nature to be erected at the requested location. His interpretation was confirmed by Martin and Martin, Inc Tim Cormany Mr. Benchoff and the Cline's were informed that their request to reconstruct the sign would be a

violation to the zoning ordinances and their request was denied; however, they were offered several possible resolutions to the denial – install the sign on Penn-Dot right-of-way, appeal his denial decision before the Hamiltonban Township’s Zoning Hearing Board, have a joint meeting with Penn-Dot representatives to discuss placing the sign behind existing guide rails in the areas or request that the Board of Supervisors amend the sign section of the Hamiltonban Township’s Zoning Ordinances to include a new subsection addressing “Historic Marker”. After much discussion between Zoning Officer Nicks, the Board, and Solicitor Heiser, Zoning Officer Nicks stated he would stand behind his ruling to turn down the sign request, but Solicitor Heiser advised the Board that they could grant the request. Road Master Deardorff made a motion to allow a Sunshine Trail sign to be re-erected on the Cline Property, seconded by Chairman Benner. The Board unanimously approved this motion.

Mr. and Mrs. Cline are concerned about a cattle fence that was installed across Miney Creek on a neighbor’s property. They are concerned that the fence will cause flood water to back up into their yard and leave debris behind. Zoning Officer Nicks stated that the Township does not have any ordinances for any type of fencing. The Township did not permit the fence because there are no ordinances requiring a permit. They had a correspondence from the Adams Conservation District concerning the fence. Solicitor Heiser stated that this is a DEP and private issue. Solicitor Heiser suggested that they contact an attorney.

Planning Commission

Chairman Benner made a motion to grant final approval of the Valley Quarries, Inc. three lot subdivision off Carrolls Tract Road, Bullfrog Road and Route 116, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

Supervisor Gordon made a motion stating that due to a conflict with the majority of the Board on the scope and quality of the facilities project Supervisor Reamer and I decline to go forward and move to place the project on hold and to notify all interested parties, seconded by Supervisor Reamer. This motion failed with Chairman Benner, Vice-chairman Eckert, Road Master Deardorff voting no and Police Coordinator Reamer and Supervisor Gordon voting for the motion.

Solicitor Heiser’s Report

In a correspondence dated September 13, 2007 Henry O. Heiser, III, Attorney at Law notified Hamiltonban Township that he does not want to be considered for reappointment as the Hamiltonban Township’s Solicitor at the January 2008 reorganization meeting.

Solicitor Heiser has reviewed the Wagerman’s access agreement for a one lot subdivision off Old Waynesboro Road, Fairfield, PA. There are discrepancies in the description of the lots. Solicitor Heiser needs clarification from the Wagerman’s attorney. Solicitor Heiser requested and received a copy of the subdivision plan from Secretary/Treasurer Dille.

Solicitor Heiser made a suggestion to finalize the Hamiltonban Township Recreation and Park Plan and ordinances before final approval and before holding a public hearing. Instead of a new, separate section on Fire Protection and Fire Standards for insertion into the Township’s SALDO, Solicitor Heiser believes it would be in the

best interest of the Township to make a reference in the Hamiltonban Township Subdivision and Land Development ordinances and to the Uniform Construction and Fire Codes where applicable.

Supervisor Gordon stated to Solicitor Heiser that he believes the Board of Supervisors should take action to notify those involved with the proposed new facility that the project will not proceed as previously outlined. There is a pending engineering contract from a firm that has been very helpful with arranging tours of facilities and other assistance. They have donated a significant amount of time to this point. Solicitor Heiser stated that the Board needs to decide when and how to proceed with the new facilities. Chairman Benner called an Executive Session at 8:10 PM. The Board and Solicitor Heiser went into an Executive Session to discuss a real estate issue. At 8:21 PM they returned.

Zoning Officer Nicks questioned Solicitor Heiser's comments on allowing the Sunshine Trail Sign to be installed. Zoning Officer Nicks stated that the Hamiltonban Township's Zoning Ordinances does not have any language allowing that kind of sign. Zoning Officer Nicks has consulted with Martin and Martin Inc., Mr. Cormany. Mr. Cormany does not believe there are any ordinances that would allow this historical sign to be re-erected but one would be adopted. Solicitor Heiser stated that as long as it does not prohibit the sign, it can be installed. At 8:36 PM Solicitor Heiser left the meeting.

Public Comment

William O'Neil, William Reinke, and Catherine Forrence representing the Mason Dixon By Pass Group explained their desire to create a bypass around Emmitsburg, MD. There is a web site: masondixonbypass.com. The bypass could be constructed using Orchard Road and Boyle Road in Liberty Township.

Zoning Officer's Report

Zoning Officer Nicks stated that the Zoning Hearing Board denied Daniel Sanders a variance to subdivide his property creating a non-conforming lot depth. The following is a brief summary for the Zoning Hearing Board's Hamiltonban Township's Zoning Ordinance: definition of lot depth in a Mixed Residential District is 180 feet average horizontal distance between the front and rear lot lines. Section 203.A.3 states that no new lots shall be formed from an existing improved tract of land unless both the newly proposed lot and the remainder of the parent lot will both meet all yard, open space and other requirements. Section 603.C.1.C stated that "that such unnecessary hardship has not been created by the appellant". Section 100.A.7 says "to control the expansion and undue perpetuation of nonconforming uses and structures". Because the property has already been improved and developed by the applicant with a restaurant and living quarters, reasonable use of the property has already been achieved and a variance is not necessary for reasonable use of the property.

Zoning Officer Nicks stated that Adams County Planning and Development has requested that Hamiltonban Township waive all permit fees required for the Melvin Strausbaugh new house due to governmental program involved. Chairman Benner made a motion for Hamiltonban Township to waive all permit fees for the construction of the Melvin Strausbaugh new house at 1648-A Iron Springs Road, Fairfield, per Adams

County Planning and Development's request, seconded by Supervisor Gordon. The Board unanimously approved this motion.

Zoning Officer Nicks gave the following October 2007 Zoning Officer's Report. He issued nine permits: one well and one demolition permit, two home additions and Use and Occupancy Permits, and three extensions. He attended the Board of Supervisors, Planning Commission, Joint Meeting, public and a meeting with Middle Department Inspection Agency on outstanding permits. He completed seven inspections at: Camp Eder, Kevin Nicholas', Feeser's, Fletcher's Krape's, Miller's and at the Strausbaugh Farm. He worked 37.25 hours, traveled 197 miles, had 45 telephone calls and long distance charges of \$12.49. Vice-chairman Eckert made a motion to approve the October 2007 Zoning Officer's Report, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

Treasurer's Report

Police Coordinator Reamer made a motion to approve the October 2007 Treasurer's Report, seconded by Chairman Benner. The Board unanimously approved this motion. Supervisor Gordon made a motion to cash the Adams County National Bank certificate of deposit in December 2007 and return the funds to the General Account, seconded by Road Master Deardorff. The Board unanimously approved this motion.

October 2007	Income	Expenses	Transfer	Balances
General Account				
ACNB Checking	\$43,160.21	\$69,436.12	\$35,000	\$ 9,826.09
ACNB Savings	8.03			20,930.33
PLGIT	892.78		35,000	153,754.12
PLGIT Term				<u>100,000.00</u>
Total Current Assets				\$ 338,084.45
Sewer Account				
ACNB Checking	10,340.40	11,421.99	2,000	1,534.08
ACNB Savings	2.38			6,202.81
PLGIT	41.75			<u>1,151.64</u>
Total Current Assets				\$ 8,888.53
State Liquid Fuels				
PLGIT	20.80			1,912.15
PLGIT Emergency	240.91			<u>5,172.58</u>
Total Current Assets				\$ 7,084.73

Approval of Expenditures

Vice-chairman Eckert made a motion to approve the October 2007 Expenditures, seconded by Chairman Benner. The Board unanimously approved this motion.

Secretary's Report None at this time.

Police Report

Police Officer Larmer gave the following report. She had 51 complaints, two arrests, four investigations, 13 traffic citations, issued two warnings and three criminal

arrests. She traveled 946 miles, used 83 gallons of fuel for 11.40 miles per gallon of fuel. As of September 27 there has been 100 DUI citations given at various DUI Special Events. She has participated in some of the events. The vehicle units in the 1997 and 2000 police vehicles have been repaired. Officer Larmer appreciates the minor repairs that were completed on the police vehicles while she was on vacation. Several new heat tape speed lines have been placed. Road Master Deardorff had a request from a resident for an additional speed line on lower Iron Springs Road near the White Farm. Hopefully the heat tape lines will be more durable than the plastic pressure lines. Officer Larmer was recognized for having the files in excellent order after an unannounced police audit. Vice-chairman Eckert made a motion to approve the October 2007 Police Report, seconded by Supervisor Gordon. The Board unanimously approved this motion.

EMA Report

Chairman Benner sent letters to John and Betty White and Ronald and Sandra Brown of the 600 block of Mount Hope Road, Fairfield. They are sharing a driveway. Chairman Benner suggested that the private shared driveway be named for emergency services and that there be a legal maintenance agreement. They would like the lane be named Brite Lane. The "br" would represent the Brown's and the "ite" would represent the White's. Hamiltonban Township will buy and install a sign in Highland Township noting Huffmantown Lane. The lane is in the two townships. A possible name for Green Ridge Road in Franklin and Hamiltonban Townships is Hickory Flat Lane. Supervisor Gordon made a motion to proceed with purchasing and installing the Brite Lane, and Huffmantown Lane signs, and purchasing a Hickory Flat Lane sign with the approval from Adams County Mapping and the joint municipalities, seconded by Vice-chairman Eckert. The Board unanimously approved this motion. EMA Coordinator Wills, EMA Deputy Schneider, Police Coordinator Reamer, Supervisor Gordon, and Mrs. Premo are in the process of updating the Hamiltonban Township Emergency Operation Plan. A Resolution could be ready for adoption at the Board of Supervisors November regular meeting. When these items are completed and adopted, they will be on file at the Adams County EMA. Police Coordinator Reamer made a motion to approve the October 2007 EMA Report, seconded by Chairman Benner. The Board unanimously approved this motion.

Road Report

- Road Master Deardorff gave the following October 2007 Road Report:
1. The yellow lines/berms/shoulders and railroad crossings have been completed. Also installed were several speed line tapes for the police department.
 2. Road Master Deardorff thanked Officer Larmer for her assistance with the tree that fell across the road last Thursday night after the rain storm.
 3. The Road Crew recently cold patched all the pot holes that could hold cold patch and that were in the line of traffic.
 4. The shoulder mowing has been recently finished again. The shoulders will be mowed one more time in late October.
 5. The Road Crew installed and removed the Pippinfest no parking signs for the Police Department.

6. The Road Crew is continuing to work on maintaining signs. At least ten signs have been run over by vehicles in South Mountain. Signs are repaired if possible. New signs have been ordered and will be installed promptly.
7. The Township's backhoe has been serviced and repaired by Hamner's Garage. It should be in good shape for winter.
8. Road Master Deardorff thanked Police Coordinator Reamer and Supervisor Gordon for all their hard work and the meetings they attended for the new facility.
9. The mail drop sign has been installed. The Fairfield Road sign has been ordered and will be installed at Mount Hope Road, Fairfield.
10. The 2007 Road Project has been basically completed. The Township asphalted 1 ¼ miles of road surfaces for \$110,000.
11. The Road Crew is currently finishing all the loose ends from the summer road projects and slowly preparing for winter.
12. Valley Quarries, Inc. will allow the Township to lease back the shop property for up to five years. They will give the Township a one year notice to vacate. The Township will be allowed a one month notice of the intent to vacate. There will be a nominal rent back lease for legal purposes.

Chairman Benner made a motion to approve the October 2007 Road Report, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

Vice-chairman Eckert stated that he was told that Penn-Dot will be removing all the political signs in the triangle at Carrolls Tract Road and Route 116.

The biannual State Liquid Fuels audit has been postponed by the auditor.

Sewer Report

Road Master Deardorff gave the following October 2007 Sewer Report:

1. The sewer spray fields were mowed for the first time this year. The first crop of grass was mowed and baled by an adjoining neighbor.
2. The Lagoon # 1 work was completed and is back to full operation.
3. The Road Crew mowed and trimmed all the area inside the fence.
4. The sewer plant problem has been corrected and hopefully completed.

Vice-chairman Eckert made a motion to approve the October 2007 Sewer Report, seconded by Chairman Benner. The Board unanimously approved this motion.

KPI, Inc. has started legal action against Thomas Brown of Mount Hope Road for not pumping his holding tank. The Police Department is citing him for the junk on his property.

New Business

Supervisor Gordon made a motion to accept the Recreation and Parks Commission member Theresa Brooks's resignation with regrets, seconded by Police Coordinator Reamer. The Board unanimously approved this motion. The Recreation and Parks Commission is looking for another member to replace her.

EMA Coordinator Wills has requested that Fairfield Fire Company sell house number signs. Tonight is their monthly meeting; hopefully this item will be discussed.

Road Master Deardorff shared the wording for the sign that will be installed on ISP Minerals, Inc. property along Old Waynesboro Road, Fairfield: Road Project funded by D. L. George Trucking, ISP Mineral, and Hamiltonban Township

Old Business

Chairman Benner made a motion to grant Harry Rood's request for a waiver so that he can proceed with the creation of a private road per the new proposed ordinance Section 804.20.B.2 on his current proposed 19 acre subdivision, seconded by Police Coordinator Reamer. The Board unanimously approved this motion. Mr. Rood has obtained authorization from the Army Corp of Engineers in accordance with PASPGP-3 permit for the culvert he had started.

Mrs. Wiehagen, Supervisor Gordon and Secretary/Treasurer Dille attended an excellent training session on creating and using a municipal official map.

Communications are available on requested.

Next Meeting Date

The next regular scheduled Board of Supervisors meeting will be Wednesday, November 7, 2007, prevailing time 7:30 PM, at 23 Carrolls Tract Road, Fairfield, PA.

Fall Election is Tuesday, November 6, 2007 from 7:00AM till 8:00 PM at 23 Carrolls Tract Road, Fairfield, PA 17320

The Business office will be closed November 6, 2007.

Adjournment

At 9:31 PM Vice-chairman Eckert made a motion to adjourn the meeting, seconded by Chairman Benner. The Board unanimously approved this motion.

LuAnn M. Dille
Secretary/Treasurer

James E. Benner
Chairman