

Hamiltonban Township Board of Supervisors  
23 Carrolls Tract Road, Fairfield, PA 17320  
Regular Monthly Meeting Minutes  
December 2, 2008

**Supervisors Present:** Chairman Robert L. Gordon, Police Coordinator Coleen N. Reamer, Supervisor James E. Benner, and Supervisor Dale J. Premo

Vice-chairman James E. Grinder was absent.

**Planning Commission Members Present:** Secretary Doreen Premo and Pamela Wiehagen

**Staff:** Solicitor Matthew Battersby, Zoning Officer Milton Nicks, Secretary/Treasurer LuAnn Dille, Road Master John Harbaugh, Police Officer Juanita Larmer, and EMA Coordinator Donald Wills, Jr.

**Public:** Barbara Nicks, Harry Rood, Douglas Woerner, Ginger French, attending for the JDH Project Attorney Charles Zwally and Robert Sharrah, and Rick Fulton from the Gettysburg Times

At 7:30 PM Chairman Gordon called the meeting to order and welcomed the public to the meeting. Those present recited the Pledge of Allegiance. Chairman Gordon stated that there is a quorum, but noted that Vice-chairman Grinder is absent. The meeting is recorded for the purpose of writing the minutes.

Chairman Gordon stated that there was an Executive Session at the end of the regular November 20<sup>th</sup> Board of Supervisors Workshop Meeting to discuss personnel concerns.

#### **Approval of the Minutes**

There were two corrections to the November 2008 Board of Supervisors Meeting Minutes. Police Coordinator Reamer stated that the State Liquid Fuels Entitlement Funding has been reduced by \$3,500 not \$20,000. Chairman Gordon had misquoted the amount. Also, Chairman Gordon did not include the resolution number, Resolution 2008-25, in the motion for the Greater Ortanna Investment Group Sewer Module approval. Supervisor Premo made a motion to approve the November 2008 Board of Supervisors minutes with these two corrections, seconded by Chairman Gordon. The Board unanimously approved this motion.

#### **Public Comment**

Attorney Zwally requested that the JDH Plan review period be extended to January 5, 2009. This will allow Hamiltonban Township's Planning Commission, the Board of Supervisors, and other professional staff time to complete the review. It was suggested that JDH request a 90-day extension. Chairman Gordon made a motion to grant JDH/Fairfield Market Subdivision and Land Development Plan Review Period to be extended until February 3, 2009, as long as JDH follows-up with a written request per Hamiltonban Township's Ordinance requirement, seconded by Supervisor Benner. The Board unanimously approved this motion. Attorney Zwally will confirm this extension in writing after consulting with the applicant. Revised plans should be submitted within the week to Hamiltonban Township, Hamiltonban Township's traffic engineer at

TransAssociates, Martin and Martin, Inc.'s Tim Cormany, Adams County Planning and Development, and Adams County Conservation District.

In the event of any appeal, Solicitor Battersby believes it is the Hamiltonban Township's Board of Supervisors and Planning Commission's decision whether to consider Ginger French's concerns about traffic resulting from the Fairfield Market Plan as she is a resident of the Borough of Carroll Valley. Ms. French's concerns are being considered by Hamiltonban Township per Hamiltonban Township's Ordinances. There are several traffic concerns with this proposed shopping center.

### **Planning Commission**

Planning Commission Secretary Premo stated that at the November 25, 2008 Planning Commission meeting, Liberty Worship Center (LWC) Land Development Plan was discussed. The discussion included adding an easement for a future sidewalk/walking path along Carrolls Tract Road. She stated that LWC has submitted the paperwork for a Highway Occupancy Permit to the State. Orchard Estates has been granted an extension until February 3, 2009. The Pennsylvania DEP Sewer Module for the Greater Ortanna Investment Group (GOIG) has been signed by the Township, and is ready for the applicant to submit to DEP. The GOIG Homeowners' Agreement and the Greenway Easement have not been finalized.

Mr. Howe, a person interested in possibly purchasing the Beachy property, had some questions on whether some different uses of the Low Density Residential Zoned (R-1) property would be allowed by the Township.

Hamiltonban Township's engineer Mr. Cormany emailed to the Township some planning and land use forms used by another municipality for consideration by the Board.

Zoning Officer Nicks is continuing to work with a couple of residents to remove junk vehicles. Zoning Officer Nicks has distributed a correspondence concerning nuisance vehicles Township-wide for review by the Board and Solicitor Battersby.

Chairman Gordon stated that Verizon and AT & T have completed their installation on the Jack's Mountain cell tower, and citizens are pleased to have increased cellphone coverage. Chairman Gordon made a motion to release the entire road bond in the amount of \$44,370.00 to Liberty Towers LLC, seconded by Supervisor Benner. The Board unanimously approved this motion. Chairman Gordon stated that the Township will continue to hold the entire bond for the stormwater management plan.

The Adams County Southwestern Joint Comprehensive Plan Steering Committee's first meeting will be December 4, 2008 at Fairfield Village Hall at 108 West Main Street, Fairfield, PA. at 7:00 PM. It is an open meeting; and the public is invited as well as the Board of Supervisors. The Steering Committee members for Hamiltonban Township are Pamela Wiehagen, Donald Wills, Jr. and Chairman Robert Gordon. Mrs. Wiehagen has requested to be removed from the committee.

### **Solicitor's Report**

Today, Solicitor Battersby received Mr. Cormany's, of Martin and Martin, Inc., review of the GOIG Homeowners' Association Agreement. Mr. Cormany should forward his review to the applicant. The GOIG Homeowners' Association Agreement is straightforward, and there is an easement to Hamiltonban Township.

Solicitor Battersby will draft the shared driveway agreement between Hamiltonban Township and Liberty Worship Center (LWC) when the engineers have

agreed to the construction design, and when the Board decides how to share the cost with LWC.

Chairman Gordon made a motion to adopt the Geothermal Resolution 2008-26, seconded by Supervisor Premo. The Board unanimously approved this motion. This resolution will only allow a closed geothermal system to be permitted in the Township.

Supervisor Benner made a motion to adopt the Inter-municipal Police Department Ordinance 2008-10 and the corresponding agreements with the Borough of Carroll Valley, the Borough of Fairfield, and Liberty Township, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

Chairman Gordon made a motion to appoint the Hamiltonban Township's secretary/treasurer as the Right-To-Know Officer for Hamiltonban Township and the Hamiltonban Township's Police Department, to use the Office of Open Records Uniform Request form and other official Office of Open Records forms, to charge a copy fee of 25 cents per page for black and white, 8 ½ by 11 sheets, and the other standard fees per the Office of Open Records fees schedule, seconded by Supervisor Premo. The Board unanimously approved this motion. These items will be posted at the office and on the Township's website as required by the State.

Chairman Gordon stated that the floodplain ordinance should be finished soon by Bill Kick from Martin and Martin, Inc. The Township will need to follow the proper legal process to adopt this as part of the Township's zoning ordinances. Solicitor Battersby will advertise the ordinance and the public hearing for the adoption of the ordinance at the February 3, 2009 Board of Supervisors regular meeting. The State is requiring that the floodplain ordinance be updated by February 18, 2009. The Township should be in compliance.

Solicitor Battersby stated that Knouse Foods is appealing their tax assessment on the Orrtanna processing plant. Chairman Gordon made a motion to have Solicitor Battersby consult with the Fairfield Area School District concerning the Knouse Foods tax assessment appeal, seconded by Supervisor Benner. The Board unanimously approved this motion.

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

Zoning Officer Nicks stated that to date the Township has issued 39 permits, which is fewer than in the past few years. Zoning Officer Nicks issued five permits. One permit was issued for a shed, and four Use and Occupancy permits were issued. He attended the public Planning Commission and the Board of Supervisors meetings.

He completed an inspection on the Taylor's property concerning a logging road, and forwarded the concern to the Adams County Conservation District (ACCD). The ACCD has completed an inspection and notified the property owner of the violations.

Zoning Officer Nicks also had a complaint about excavation around Deer Tract Lane, Orrtanna. Supervisor Benner suggested that Zoning Officer Nicks talk with the property owner, Ronald Kump, and ask him why he is excavating that area. The area of excavation may be a residual area from a previously approved Kump Subdivision Plan. The neighboring property has had some stormwater issues in the past with an old logging road channeling stormwater onto his septic drainage system and does not want any more problems.

Zoning Officer Nicks has a draft of a correspondence he would like to give to the property owners in violation of the Township's Nuisance Ordinance. Solicitor Battersby

suggested that he note the fine in the body of the correspondence. The fine is stated in the ordinance. Zoning Officer Nicks always includes a copy of the ordinances with the violation correspondences. Zoning Officer Nicks will include Solicitor Battersby's suggestion of including the fine in the body of the correspondence.

Of the three previous Nuisance Ordinance violations, one has cleaned up the problem, one is waiting on two E-Bay sales to be picked-up, and the third has done nothing to be in compliance. When Officer Larmer and Zoning Officer Nicks inspect a property for Nuisance Ordinance violations, they will take digital pictures and obtain vehicle identification numbers, if at all possible. Correspondences will be mailed by certified mail. If after 30 days, the violation is not corrected, the case may proceed to the District Magistrate's office. Fines are enforced per vehicle per day.

The Township has received a complaint of a business at 523 Cold Springs Road, Gettysburg, PA. The property owner has been told in the past that he can not have a vehicle repair business in an Agricultural Zoning District. Solicitor Battersby suggested checking with the State Inspection agency to see if an inspection permit has been issued, and if and how many inspection stickers have been purchased for this location. Zoning Officer Nicks and Officer Larmer will follow-up on this complaint.

Zoning Officer Nicks worked 17.25 hours, traveled 68 miles, had 29 telephone calls and long distance charges of \$12.49. Supervisor Benner made a motion to approve the November 2008 Zoning Officer's Report, seconded by Supervisor Premo. The Board unanimously approved this motion.

Solicitor Battersby left the meeting at 8:29 PM.

Chairman Gordon made a motion to have an open house on the proposed new Township facility on January 12, 2009, from 5:00 PM to 8:00 PM, at the Fairfield Fire and EMS building at 108 Steelman Street, Fairfield, PA, seconded by Supervisor Benner. The Board unanimously approved this motion.

### **Road Report**

Road Master Harbaugh gave the following November 2008 Road Report:

1. Road Master Harbaugh installed a new signpost and anchor at Newman/Baker Roads. The previous sign was stolen.
2. The road crew installed a "Weight Limit" sign at the Cold Springs Road end of Moritz Road marking the "Bridge Weight Limit 1.1 mile ahead".
3. The road crew was called in for the "Stop" sign being down at the end of Old Waynesboro Road/Route 16. A "Stop Ahead" sign was installed the next day.
4. Road Master Harbaugh remounted the "Five Forks Lane" sign after it was straightened. A new sign is on order.
5. The road crew cold patched the BB Section. Several shoulders at mailboxes were filled in after complaint from the mailman.
6. Road Crew Kuykendall used the Bobcat with the grader blade attachment to pull the shoulders in on Newman Road. The road crew filled potholes and tailgated aggregate on needed areas.
7. Road Crew Kuykendall used the Bobcat and grader blade attachment to pull the shoulders in on Knox Road and level washouts on the hill close to the Township line.

8. The curbs in front of the fire hydrants on Beechwood Drive and Franklin Street were painted. The fire hydrant tops were painted the appropriate color for pressure rating.
9. New guide rails were installed in the following locations: 1135 Old Waynesboro Road (50 feet) bolting up to the eastbound approach to the bridge, 1219 Old Waynesboro Road (37.5 feet) and 10 Scotch Trail Extended (37.5 feet). The Township did not have to purchase guide rail or posts. The Township was able to use what was in inventory.
10. The "Village of Virginia Mills" signs have been ordered to replace the current plywood signs.
11. The 1997 Crown Victoria cruiser had the oil and filter changed in-house.
12. The 2000 Crown Victoria cruiser had the new snow tires installed, oil cooler lines replaced, two new front tires installed and the oil & filter changed.
13. The 2007 F-350 had the oil changed and the air filter replaced.
14. The 2006 Peterbilt had the bed tailgating chain adjustment plates re-welded, a State inspection was completed, greased, a turn signal light and a signal switch light was replaced, the spreader was reprogrammed and filters to service the truck in house were purchased. It was fully detailed and polished.
15. The 2005 Peterbilt was PA State inspected and tagged. The registration was missing the combination weight by the State. Lockwood Business Support is working on this issue. The truck is scheduled to go to E.M. Kutz for the upfitting of a snowplow and antiskid spreader on 12-3-08. Hopefully the truck will return by the end of December 2008. The 2-way radio is on order from Mills Communication.
16. The 1998 20-ton trailer was PA State inspected and tagged.
17. The 1982 International had to have the spreaders swapped until a seal kit was received. The spreaders have been swapped back.
18. The 1993 310 John Deere Backhoe is having transmission problems. It was loaded on our newly acquired 20-ton trailer and pulled with the 2005 Peterbilt to Hamner's Garage. The transmission has been pulled and taken to be repaired. The extent of repair is unknown.
19. All plow vehicles have had the snowplows installed and tested. The F-350 spreader insert starter will not engage. It can be used as is if needed until it is scheduled to be repaired on 12-5-08.
20. Road Master Harbaugh attended Adams County Borough Association meeting with the topic of 2-way radios.
21. Road Master Harbaugh spoke with Mills Communication on the upcoming changes to our 2-way radio frequencies. Most radios manufactured within the past 10 years can be converted. The Township may have to replace two mobile units and 1 hand held radio.
22. The road crew cleaned up glass on Iron Springs Road from a traffic accident.
23. The rain gutters were cleaned at the office and Road Master Harbaugh's personal mower with bagger was used to collect/shred the leaves.
24. The road crew picked up several trash bags discarded on Cold Springs Road. They were sorted and evidence was given to Officer Larmer.
25. Road Master Harbaugh ordered and received five loads of anti-skid.

26. Two streetlights were not working properly and were called in- Mount. Carmel Road/Cold Springs and Gum Springs Road/Iron Springs.
27. Road Master Harbaugh spoke with a resident where a new streetlight was suggested at the intersection of Harbaugh Valley Road/Old Waynesboro Road. The resident objected to this idea.
28. The road crew cleared trees and brush from the gas pump pole light.
29. The road crew fixed the impound lot gate.
30. Road Master Harbaugh had a random CDL urine test done on 11-12-08.
31. Road Master Harbaugh picked up the donation checks from ISP Minerals and D.L. George & Sons towards the Old Waynesboro Road resurfacing project.

Following are upcoming projects:

1. Continue cutting dead trees along roadways.
2. Use the Bobcat with the grader blade attachment to do the ditch work along roadways.
3. Check culverts on Cold Springs Road.
4. Fill washouts and redirect stormwater to keep it off the road on Rum Trail.
5. Continue installing red delineators at crosspipes.
6. Contact CSX railroad to discuss options on remaining crossings.
7. Fill in sunken crosspipes on Mount Hope Road.
8. Change the oil in the mowers and winterize.
9. Fill potholes when weather permits.
10. The road crew will be attending a meeting at the Fairfield School on 12-4-08 to discuss school bus routes. The road crew and Supervisor Premo will be attending a meeting on salt brine and chemical snow removal on 12-10-08.

Chairman Gordon stated that Road Master Harbaugh needed to spend a lot of administrative time in the procurement process of the 2005 Peterbilt and the upfitting of the truck. Road Master Harbaugh praised Jason Kuykendall for his dedication to the Township. Supervisor Premo praised Road Master Harbaugh for a job well done. Supervisor Premo praised Road Master Harbaugh, Mr. Kuykendall and Officer Larmer for their cooperation on winter road conditions.

Road Master Harbaugh stated that there has been some public interest in the purchasing of the 1982 International dump truck with the plow and spreader.

Supervisor Premo made a motion to approve the November 2008 Road Master Report, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

### **Sewer Report**

Road Master Harbaugh gave the following November 2008 Sewer Report:

1. Cleared clog on the effluent line coming to the wet well from the lagoons. A faulty check valve was found. The road crew cleaned several five gallon buckets of duckweed from the wet wells after the clog was cleared.
2. The road crew pulled the faulty check valve out of the effluent wet well, ordered a rebuild kit and had Alexander's Plumbing rebuild it. It was reinstalled on 12-1-08.

3. The road crew had to inspect the check valves on the effluent pumps for clogs/debris. The air was bled off and the pumps began to work properly.
4. The road crew switched the spray fields.
5. The brush and vines are still being removed from the fence.
6. Road Master Harbaugh ordered and received filters for the generator. The generator will be serviced in the near future.
7. The road crew will need to clean the spray heads in the spray fields when the weather permits.

Police Coordinator Reamer suggested that Road Master Harbaugh consult the Township's sewer engineer about the duckweed in the lagoons.

Supervisor Benner made a motion to approve the November 2008 Sewer Report, seconded by Supervisor Premo. The Board unanimously approved this motion.

### **Treasurer's Report**

Chairman Gordon made a motion to adopt Resolution 2008-27, the 2009 Proposed Balanced Budget of \$666,098 without a tax increase, seconded by Supervisor Premo. The Board unanimously approved this motion. The 2008-2009 Budget Message has been available on the front table and on hamiltonban.com. The current Hamiltonban Township rate is 6.5 mills.

Chairman Gordon made a motion to have Musselman and Creager conduct the 2008 audit of the Orrtanna Treatment Plant Loan, Resolution 2009-01, and to have Lockwood Business Support Service conduct the audits for all the Township's accounts and file the 2008 State Audit Report for all of the Hamiltonban Township's accounts, Resolution 2009-02, seconded by Supervisor Benner. The Board unanimously approved this motion.

Chairman Gordon made a motion to transfer the 2008 budgeted \$20,000 reserve fund expense from the Township's General Account to the newly established PLGIT Reserve Fund, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

The new accounting number for the 2005 Peterbilt and trailer principal is 471.414, and 472.414 is for the interest.

Supervisor Benner made a motion to approve the November 2008 Treasurer's Report, seconded by Supervisor Premo. The Board unanimously approved this motion.

	Income	Expenses	Transfers	Balances
<b>General Account</b>				
ACNB Checking	45,582.36	106,191.59	50,000	6,881.51
ACNB Saving	3.81			20,979.54
PLGIT General	1,578.93		50,000	194,058.35
PLGIT CD				98,000.00
PLGIT CD				98,000.00
Capital Reserve Fund	20.08			20,020.08

Total Current Assets			<u>437,939.48</u>
<b>Sewer Account</b>			
ACNB Checking		8,709.04	8,100 101.98
ACNB Saving	1.13		6,256.30
PLGIT	39.29		<u>4,045.93</u>
Total Current Assets			10,404.21
<b>State Liquid Fuels</b>			
PLGIT		263.91	16,067.49
PLGIT Emergency	16.88		<u>5,365.92</u>
Total Current Assets			21,433.41

### **Approval of Expenditures**

Police Coordinator Reamer questioned the time period of the KPI, Inc. statement, paid by General Account Check Number 8354. Secretary/Treasurer Dille retrieved the statement. The time period was from April 23, 2008 to November 13, 2008. Supervisor Benner made a motion to approve the November 2008 expenditures, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

### **Secretary's Report**

Secretary/Treasurer Dille requested that the Board of Supervisors and Township's commissions review the meeting dates for 2009. The Board of Supervisors will need to meet on the first Wednesday in November because the National Election is held on the first Tuesday in November.

Secretary/Treasurer Dille thanked Mrs. Doreen Premo for manning the office several days while she was on vacation and especially for taking and transcribing the November 2008 minutes. Chairman Gordon made a motion to approve the November 2008 Secretary's Report, seconded by Supervisor Premo. The Board unanimously approved this motion.

### **Police Report**

Officer Larmer had 50 service calls, two arrests, two investigations, 12 traffic citations and six criminal arrests. She used 104.5 gallons of fuel and traveled 1,230 miles. She traveled 11.77 miles per gallon of fuel.

Supervisor Benner made a motion to approve the November 2008 Police Report, seconded by Chairman Gordon. The Board unanimously approved this motion.

Supervisor Benner made a motion to adopt Resolution 2008-28, which is to purchase one 2009 Ford Explorer for \$32,196 through the State Municipal Lease Program, seconded by Supervisor Premo. The Board unanimously approved this motion.



### **Old Business**

The new floodplain ordinance will be ready soon as explained earlier in the meeting. There is also a Floodplain Management Activities Annual Report form due in February.

### **New Business**

Chairman Gordon made a motion to obtain a toll-free number for the Township for a monthly cost of \$5.00 and 10 cents per minute, seconded by Police Coordinator Reamer. The Board unanimously approved this motion. This is Embarq's Option One plan.

Mr. Rood questioned if the Township had any input into the information supplied to global positioning companies. Many GIS system are incorrect with the information concerning Five Forks and French Lanes. Supervisor Premo explained there is a central processing system, and most companies purchase the information from a couple of large companies. Secretary/Treasurer Dille will call Rick Hise at the Adams County Mapping Department to see if anything can be done to correct this problem as well as Swamp Creek Lane and Dug Lane misinformation.

Supervisor Premo reported that the December issue of the PSATS magazine has an article on websites that mentions the Township's website. Supervisor Premo was quoted in the article, and Mr. Rood is mentioned as the webmaster.

Police Coordinator Reamer made a motion to lease 3.82 acres of the 10 acres on the Township's property behind 23 Carrolls Tract Road, Fairfield to Jay Edward Deardorff for 2009 crop farming, seconded by Chairman Gordon. The Board unanimously approved this motion.

### **EMA Report**

EMA Coordinator Wills and EMA Deputy Coordinator Schneider attended the Adams County Association of Boroughs dinner meeting pertaining to the new radio system for Adams County. EMA Coordinator Wills will be attending the annual hazardous materials operation training on December 6, 2008. EMA Coordinator Wills and EMA Deputy Coordinator Schneider will be attending the Municipal Emergency Coordinator training on December 10, 2008. There will be a meeting concerning FREMA at the Hamiltonban Township's office on December 3, 2008 with Ron Harris and David Martin. EMA Coordinator Wills requested an Executive Session at the conclusion of this meeting. Supervisor Premo made a motion to approve the November 2008 EMA Report, seconded by Police Coordinator Reamer. The Board unanimously approved this motion.

### **Meeting Dates**

The next regular Hamiltonban Township Recreation and Parks Commission meeting will be December 10, 2008, at the prevailing time of 7:30 PM at 23 Carrolls Tract Road, Fairfield, PA 17320.

The next regular Planning Commission meeting will be December 30, 2008, at the prevailing time of 7:30 PM at 23 Carrolls Tract Road, Fairfield, PA 17320, one week later because of Christmas.

The next regular Board of Supervisors Workshop meeting will be December 18, 2008, at the prevailing time of 7:30 PM, at 23 Carrolls Tract Road, Fairfield, PA 17320' one week earlier because of Christmas.

The next regularly scheduled Board of Supervisors meeting and re-organization will be on **Monday**, January 5, 2009, at the prevailing time of 7:30 PM, at 23 Carrolls Tract Road, Fairfield, PA 17230.

The annual Auditors meeting will be **Tuesday**, January 6, 2008, at the prevailing time of 7:30 PM, at 23 Carrolls Tract Road, Fairfield, PA 17320.

### **Adjournment**

At 9:34 PM Supervisor Benner made a motion to adjourn the meeting and to go into an Executive Session as requested by EMA Coordinator Wills, seconded by Supervisor Premo. The Board unanimously approved this motion.

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LuAnn M. Dille  
Secretary/Treasurer

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Robert L. Gordon  
Chairman