

Hamiltonban Township Board of Supervisors
Regular Meeting
23 Carrolls Tract Road, Fairfield, Pa 17320
May 3, 2005

Supervisors Present: Stephen W. Jacobs Chairman, William E. Eckert, Sr. Vice-chairman, Jay Edward Dearnorff Road Master, James E. Benner, and Barbara A. Nicks

Others Present: LuAnn M. Dille Secretary/Treasurer, Fred Heerbrandt from William F. Hill and Associates, Hamiltonban Township's Municipal Authority engineer, Solicitor Henry O. Heiser, III, Harold Kessel, Orrtanna Treatment Plant Sewer Operator, Police Officer Juanita Larmer, Curt Musselman Planning Commission Chairman, and Milton Nicks Zoning Officer

Public Attendees: David Benner, William Bridle of William A. Bridle Associates, Inc. for the Fairfield Area School District latest additions, Kathy Gilmore, Robert Gordon, Coleen Reamer, Larry Schneider, Glenda and Douglas Woerner, and others

At 7:07 PM Mr. Heerbrandt and the Board of Supervisors had an open to the public discussion concerning the 2004 Department of Environmental Protection (DEP) Chapter 94 Report. DEP is requesting an action plan because the Orrtanna Treatment Plant is at 100% capacity. Most likely the capacity is from infiltration problems at the manholes. Harold Kessel, Robbie Kauffman and Jack Ringler conducted a manhole inspection on April 22, 2005 making note of any problems. There are several manholes where there is notable infiltration. Mr. Heerbrandt stated there are manhole chimney seals which could be an economical method to correct some of the manhole problems. The Road Crew would install these manhole chimney seals. He will forward this information to the business office. Sewer lines can leak around joints. The best method to properly diagnose line problems is to first flush the system and then video the lines. Mr. Heerbrandt believes Gettysburg Municipal Authority would be the most cost efficient flushing truck rental. This procedure has been discussed and approved at a previous Board meeting. The Hamiltonban Township Municipal Authority can request a limited number of annual connections per year. The Board of Supervisors requested five connects per year. Mr. Benner asked with the new technology in sewage treatment are sprays field still necessary or could there be stream discharge. Mr. Heerbrandt stated with new technology stream discharge can be permitted. The discussion ended at 7:20 PM.

At 7:30 PM Chairman Jacobs 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 April 2005 Supervisors Board meeting minutes and the April 28, 2005 workshop minutes as presented, seconded

by Supervisor Nicks. The Board unanimously approved this motion. The Supervisors' meeting is audibly recorded.

Public Comment

Supervisor Benner made a motion to waive the Fairfield Area School District's stormwater management plan per the Planning Commission and Tim Cormany Hamiltonban Township's engineer from Martin and Martin, Inc. recommendation, seconded by Road Master Deardorff. The Board unanimously approved this motion.

Kathy Gilmore would like an increase in police patrols and an increase in the speed control devices patrols on Carrolls Tract Road to prevent another fatal accident like last year. Glenda Woerner would like more patrols on Fairfield Area School District (FASD) Prom night, which is May 7, 2005.

Planning Commission

Vice-chairman Eckert made a motion to approve Edward Spence's Land Development Plan for his property on Mount Carmel Road, Orrtanna, seconded by Supervisor Nicks. The Board unanimously approved this motion.

Supervisor Benner made a motion to approve the Welsh/Noye Re-subdivision Plan, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

Supervisor Nicks made a motion to approve the Church of the Immaculate Conception of the Blessed Virgin Mary (Saint Mary's Church) on Tract Road, Fairfield amended stormwater management plan for the construction of a shed/garage, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

Supervisor Benner made a motion to approve the FASD land development plan, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

Road Master Deardorff made a motion to charge the FASD the regular flat rate of \$40.00 plus \$1.00 per \$10,000 instead of \$1.00 per \$1,000, seconded by Supervisor Nicks. The Board unanimously approved this motion. This is the rate that has been charged in the past for previous projects.

Solicitor's Report

There is no new action on the Moore's and Nicholas's cases.

To adopt an amended Uniform Construction Code (UCC) regulation to reduce the square footage of a dwelling needing UCC inspection from 1,000 square feet to 250 square feet, a public hearing is needed. Solicitor Heiser will arrange this with Secretary/Treasurer Dille and Zoning Officer Nicks.

Each Supervisor has read the transcript from the April 12, 2005 Public Hearing and the written public comments submitted to the Township by April 22, 2005 on the several text and map changes. Solicitor Heiser stated to move the process forward, the Board should entertain a special meeting on May 25, 2005 at 7:30 PM at 23 Carrolls Tract Road, Fairfield, PA. to consider taking action to adopt the proposed amendment to the Hamiltonban Township's Zoning Ordinances. The Board is not required to make a decision within 45 days as the Township Ordinances states. The Municipalities Planning Code does not have a time frame limits set when the Supervisors need to make a decision after a public hearing. The Municipalities Planning Code supersedes in this situation but because there were objects it would be in the best interest of the Township to move

forward if the Supervisors are inclined to do so. The next step in the process is to motion to approve to properly advertise the proposed amendment. The amendment must be advertised twice; no more than 60 and no less than 7 days before the meeting. Tonight the Supervisors would make a motion to direct Solicitor Heiser to proceed with advertising any or all of the proposed text and map changes for possible adoption approval.

Chairman Jacob and the Board agreed to consider each of the proposed map changes individually and to combine the text changes. At the April 12, 2005 Public Hearing there was only one comment voiced and was in favor of the text changes. There have been a couple of minor word changes. The changes are as follows: Article I, Section 304 ... as deemed necessary by the Board of Supervisors removed and add Zoning Officer upon recommendations by Planning Commission and the Board of Supervisors... This same change applies to Article III Section 304 relating to parking regulations removing Board of Supervisors and adding Zoning Officer ... shall be deemed necessary by the Board of Supervisors upon recommendation by the Planning Commission. Article III, Section 309, subparagraph A.3 paragraph 2, one flat banner style change to one flat banner style wall sign. Article III, Section 309, subparagraph b, 4 ...such freestanding sign may be shared, remove may and add shall. Supervisor Benner made a motion to have Solicitor Heiser advertise the modified text changes as noted, seconded by Road Master Deardorff. There was no other discussion. After a roll call vote the Board unanimously approved this motion.

The following map changes were considered for possible approval for advertising amended zoning ordinance map changes.

1. In the Village of Orrtanna re-zone from Industrial to Moderate Density Residential those properties on the east side of Carrolls Tract Road and west of the Knouse Foods properties (excluding all Knouse Foods properties). Supervisor Nicks made a motion to advertise Item 1, seconded by Vice-chairman Eckert. After a roll call vote the Board unanimously approved this motion.

2. The six properties lying southwest of the intersection of Carrolls Tract Road and Mount Hope Road south to the Fairfield Borough line re-zone from Agricultural to Moderate Density Residential. Supervisor Nicks made a motion to advertise Item 2, seconded by Supervisor Benner. After a roll call vote the Board unanimously approved this motion.

3. Re-zone from Industrial to Agricultural six non-industrial properties along Bullfrog Road lying to the southeast of the industrial Valley Quarries properties and northwest of the existing Agriculture District. Supervisor Nicks made a motion to advertise Item 3, seconded by Road Master Deardorff. After a roll call vote the Board unanimously approved this motion.

4. Re-zone from Moderate Density Residential to Mixed Residential those properties fronting along either side of Route 16 and Old Waynesboro Road from Jacks Mountain Road intersection to the western Township's boundary on Route 16 and to the Industrial District west of Fountaindale on the Old Waynesboro Road. Chairman Jacobs made a motion to advertise Item 4. , seconded by Vice-Chairman Eckert. After partial roll call, Chairman Jacobs removed his motion to advertise Item 4; therefore Vice-chairman Eckert removed his second to the motion. Item 4. will not be advertised for a lack of a motion to due so.

5. Re-zone from Agriculture to Commercial that portion of the May White Woerner property at the intersection of Route 116 and Iron Springs Road consisting of a 17.6 acre parcel that is currently divided between Agriculture and Commercial. This would result is a change of that entire parcel to Commercial. Road Master Deardorff made a motion to advertise Item 5, seconded by Supervisor Benner. After a roll call vote the Board unanimously approved this motion.

6. Re-zone three properties from Low Density Residential to Mixed Residential along Route 116 across from the Fairfield Cemetery. This motion will not be advertised for the lack of a motion to due so.

7. Re-zone from Agriculture to Low Residential an area southeast of Orrtanna Road and the Village of Orrtanna, the El Vista Property extending north from the Knox Road, and all those properties lying north of the El Vista Property up to the southeast of the Orrtanna Road. Mr. Benner did not vote on Item 7, as he is part owner of the El Vista Property. This motion will not be advertised for a lack of a motion to due so.

Solicitor Heiser stated all the text changes will be advertised and Items 1, 2, 3, and 5 will be advertised

David Benner, President of El Vista Orchards requested that the El Vista Property in Orrtanna be withdrawn from being re-zoned at this time. Vice-chairman Eckert made a motion to allow the El Vista Property in Orrtanna to be withdrawn from being considered for any re-zoning map changes at this time, seconded by Road Master Deardorff. After a roll call vote this motioned passed with Supervisor Benner abstaining.

Solicitor Heiser will properly advertise all the text changes and re-zoning changes for Items 1, 2, 3, and 5. There will be a special meeting on May 25, 2005, at 7:30 PM, at 23 Carrolls Tract Road, Fairfield, PA. to vote on adopting the noted text and zoning map changes.

Zoning Officer Nicks asked Solicitor Heiser what can be done with the Harbaugh family, who did not sign for a certified letter concerning an illegal cabin on Tapeworm Lane, Fairfield, PA. Solicitor Heiser will contact Zoning Officer Nicks to proceed with the next step to correct this problem.

Supervisor Benner made a motion to approve Resolution 02-2005 establishing a \$10,000 escrow account for the McGinley Choice Development/Empire Homes, Inc. for that portion which is in Hamiltonban Township, seconded by Supervisor Nicks. The Board unanimously approved this motion.

Chairman Jacobs made a motion to approve the opening of a Community Checking Account at the Fairfield Adams County National Bank for the McGinley Choice Development/Empire Homes, Inc. escrow account with no financial charges and non-interest bearing. This motion was seconded by Supervisor Nicks. The Board unanimously approved this motion.

Treasurer's Report

Lockwood Business Support Services has completed the 2004 annual audit with no findings. The audit results were properly advertised in the Gettysburg Times.

| May 2005 | Revenues | Expenses | Transfers | Balances |
|---------------------------|--------------|-------------|-----------|------------------|
| General Account | | | | |
| ACNB Checking Account | \$271,402.23 | \$44,415.11 | \$120,000 | \$64,063.65 |
| ACNB Savings Account | 11.40 | | | 21,240.59 |
| PLGIT | 164.39 | | 120,000 | 225,631.09 |
| ACNB CD | 482.94 | | | <u>51,264.71</u> |
| Total Current Assets | | | | \$362,200.04 |
| Sewer Account | | | | |
| ACNB Checking Account | 613.08 | 7,228.60 | | 2,034.45 |
| ACNB Savings Account | 4.86 | | | 9,060.78 |
| ACNB CDBG | | | | 145.33 |
| PLGIT | 64.13 | | | <u>33,403.59</u> |
| Total Current Assets | | | | \$44,644.15 |
| State Liquid Fuels | | | | |
| PLGIT | 173.14 | 20,913.85 | | 69,227.09 |
| PLGIT Emergency Fund | 8.94 | | | <u>4,655.94</u> |
| Total Current Assets | | | | \$73,883.03 |

Approval of the Expenditures

Vice-chairman Eckert made a motion to approve the expenditures for April 2005, and the April 2005 Treasurer's Report, seconded by Supervisor Nicks. The Board unanimously approved this motion.

Secretary's Report

Vice-chairman Eckert made a motion to approve Resolution 03-2005, seconded by Supervisor Nicks. The Board unanimously approved this motion. This resolution deals with the fees for subdivision or land development. Each subdivision plan will pay a base fee of \$55.00 and \$12.00 per lot for small agricultural/residential subdivision less than 10 lots. For residential subdivision of 10 lots or more, a \$100.00 base fee plus \$15.00 per lot up to 50 lots, \$10.00 per lot from 51 to 100, and \$5.00 per lot for 101 and above. The same fee schedule is for residential land developments using dwelling units instead of lots. For non-residential/agricultural uses, subdivision fee of \$100.00 per lots. Developments will start with \$100.00 base fees for the first acre plus \$50.00 per acre up to 10, and \$25.00 per acre for each over 10. An escrow may be established if the Board of Supervisors deem necessary with a minimum beginning balance of \$500.00.

Police Report

Officer Larmer presented her April 2005 Police Report. She had 47 complaints or service calls, 5 arrests, 6 investigations, 29 traffic arrests, 4 warnings, and 9 criminal arrests. She used 132.58 gallons of fuel and traveled 1,674 miles. Vice-chairman Eckert made a motion to approve the April 2005 Police Report, seconded by Supervisor Nicks. The Board unanimously approved this motion. This afternoon Officer Larmer had a report of a missing person. The Road Crew helped her locate the cabin where the man was supposed to be. The cabin was back two dirt lanes in the South Mountain Area. She

also had a complaint of abandon vehicles along Iron Springs Road by the Indian Trail Inn. Officer Larmer had given two property owners copies of the Hamiltonban Township Nuisance Ordinance, and spoken to them about cleaning up the trash around their properties. Vice-chairman Eckert made a motion to approve Officer Larmer attending a Methamphetamine Laboratory Awareness Class, May 17, 2005 at the Adams County Emergency Management Training Center in Gettysburg, PA., seconded by Chairman Jacobs. The Board unanimously approved this motion. Officer Larmer will run speed control device on Iron Springs Road per Vice-chairman Eckert's request.

Officer Larmer requested an Executive Session concerning a personal issue. Chairman Jacobs called for an Executive Session at 8:36 PM. At 8:48 PM the Board and Secretary/Treasurer Dille returned from the Executive Session.

Penn-Dot has approved the speed reduction for Route 116 in the Borough of Carroll Valley to match the Townships approved speed, which is 35 MPH. Penn-Dot refused Hamiltonban Township request to reduce the speed along Route 116 to 25 MPH to match the Borough of Fairfield posted speed.

EMA Report

Fountaindale Volunteer Fire Company's new Rosenbauer Central State engine/rescue truck has arrived. It will carry rescue equipment, 800 gallons of water and has a foam induction system.

Road Report

- Road Master Deardorff made the following road report:
1. The 2005 Peterbilt dump truck should arrive by the June 2005 monthly meeting
 2. Berm work is being completed on Baker and Newman Roads
 3. On Old Route 16, base and surface repairs are being done
 4. Road Master Deardorff and Chairman Jacobs met with ISP Minerals to discuss sharing costs to repair Old Route 16
 5. All the equipment has been serviced as needed
 6. All supplies have been replenished as needed
 7. The drive tool and accessories have arrived
 8. The Road Crew has patched the worst pot holes as needed with material purchased from Valley Quarries. The York Quarry, which makes the best cold patch materials, is still waiting for an equipment part to resume production. When the best material becomes available the Township will purchase another load.
 9. The Road Crew mowed the lawns at 23 Carrolls Tract Road and at the Orrtanna Treatment Plant

Road Master Deardorff made a list of possible up coming road repair projects:

1. The completion of Mount Hope Road from the Mount Hope Church to Tree Farm Lane, approximately 1.4 miles
2. Lower Gum Springs Road completing the loop to Iron Springs Road approximately .4 mile These repairs would include the culvert replacement on

- Mount Hope Road, replacing any cross pipes where needed, ditches and berms would be added, motor paved and then tar and chipped
3. Bullfrog Road from Valley Quarries property to Bob Neely's property approximately .2 mile would be seal coated
 4. Moritz Road from the edge of the woods to the beginning of the woods approximately .5 miles would be motor paved

Sewer Report

Road Master Deardorff gave the following sewer report:

1. An effluent pump was installed and is operational
2. The pit area was powered washed
3. Any unused equipment was removed, the old counter was removed from the underground laboratory
4. The LP gas tank line has been connected to the back-up 300/6 generator
5. The generator is operational
6. A manifold is needed for the generator
7. The excavated areas need to be seeded.
8. The tractor/mower is ready to mow the spray fields when needed
9. The manhole inspection was completed as noted earlier

Supervisor Nicks made a motion to direct Fred Heerbrandt to draft a corrective action plan for DEP concerning the infiltration problems at the Orrtanna Treatment Plant, seconded by Road Master Deardorff. The Board unanimously approved this motion.

The Supervisors will conduct the Annual Spring Road Inspection on May 10, 2005 starting at 5:30 PM at 23 Carrolls Tract Road, Fairfield, PA.

Supervisor Benner made a motion to properly advertise the bids, to be opened on June 7, 2005 at 7:30 PM at 23 Carrolls Tract Road, seconded by Supervisor Nicks. The Board unanimously approved this motion.

Vice-chairman Eckert made a motion to approve the Department of Community and Economic Development loan/grant for \$25,000 at 2% interest, seconded by Supervisor Nicks. The Board unanimously approved this motion.

Supervisor Benner made a motion to approve obtaining a loan from the Adams County National Bank for \$70,796.00 at 6.25% interest rate with no other fees, seconded by Supervisor Nicks. The Board unanimously approved this motion.

Zoning Officer's Report

Zoning Officer Nicks issued eight permits in the month of April 2005. One permit for each of the following: animal barn, extension to a garage, and to extend a permit. Two permits were issued for pole sheds. Three Use and Occupation permits were issued. One Use and Occupation permit was denied for electrical wires. He attended five meetings. The April 23, 2005 Public Hearing meeting, Planning Commission, and Supervisors Board meetings were public. He had a meeting with Mr. Terry Stem concerning setbacks and Mr. William Sites concerning zoning map changes. Zoning Officer Nicks posted and removed the public hearing signs. He wrote a letter to the Supervisors concerning Adams County Planning and Development review comments on the proposed zoning text and map changes. He had 54 telephone calls. He worked 47.25

hours, traveled 191 miles and had telephone charge for \$6.38. Vice-chairman Eckert made a motion to approve the Zoning Officer's April 2005 Report, seconded by Supervisor Benner. The Board unanimously approved this motion.

Zoning Officer Nicks presented the minutes from the Planning Commission meeting, which he wrote. Planning Commission Secretary Wiehagen was on vacation. Secretary/Treasurer Dille had a FAHS commitment with her daughter. Planning Commission Chairman Musselman modified Secretary Wiehagen's report from the Planning Commission concerning their comments on the zoning text and map changes.

Vice-chairman Eckert and Officer Larmer asked if Zoning Officer Nicks had issued a demolition permit for a trailer on Iron Springs Road near the Indian Trail Inn. Zoning Officer Nicks could not recall issuing a permit and will investigate this issue this week.

New Business

Vice-chairman Eckert would like to attend the Municipality's Role in Agriculture symposium at the Adams County Agriculture and Natural Resources Center on May 31, 2005 along with Chairman Jacobs and the other four Planning Commission members.

Road Master Deardorff made a motion to approve the merger of the Adams County Earned Income Tax Collection Agency with the York Area Tax Bureau for the collection of the earned income tax, pending Solicitor Heiser's review, seconded by Vice-chairman Eckert. The Board unanimously approved this motion.

Vice-chairman Eckert made a motion to approve Secretary/Treasurer Dille to attend a class on meeting minutes writing on June 16, 2005 from 11:30 AM till 4:00 PM sponsored by PSAT at a cost of \$35.00, seconded by Supervisor Nicks. The Board unanimously approved this motion.

Old Business

Again it was mentioned that Penn-Dot did not approve the reduced speed limit along Route 116 in Hamiltonban Township, but the Borough of Carrolls Valley speed limit was reduced to match Hamiltonban Township's 35 MPH speed limit.

There was a discussion concerning the removal of the passing zone on Carrolls Tract Road. Most of the Supervisors want to maintain the passing zoning. Removing this passing zone will not prevent another fatal accident.

The Supervisor generally agreed to purchase a "tough wall" 12 gauge above ground tank at 23 Carrolls Tract Road and to have a professional connect the line from the furnace to the new tank. The Road Crew will remove the old in-ground tank. Secretary/Treasurer will continue to collection prices for the above mentioned items.

Adjournment

At 9:21 PM Supervisor Benner made a motion to adjourn, seconded by Road Master Deardorff. The Board unanimously approved this motion.

LuAnn M. Dille
Secretary/Treasurer

Stephen W. Jacobs
Chairman