

Hamilton Township Board of Supervisor's
Regular Meeting Minutes
Monday, November 5, 2012

CALL TO ORDER:

Meeting was called to order at 7:00 pm by Chairman, Stephanie A. Egger.

Supervisors present were Stephanie A. Egger, Timothy D. Beard, III, and John C. O'Brien. Also present were Solicitor, James Young, Esq., Attorney, from the firm of James, Smith, Dietterick and Connelly, LLP; Township Engineer, Jason Reichard, from C. S. Davidson, Inc., Road Master, Jay Livingston; Road Superintendent, Ron Weidner; Ron Balutis, ZO/BCO; and Secretary, Deborah Brogan.

Stephanie A. Egger asked if anyone was using a recording device to record this meeting. Melody Aspers, Hanover Evening Sun, stated that she was recording. Stephanie A. Egger also asked that cell phones be placed on vibrate.

Stephanie A. Egger led the meeting in the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Minutes of October 1, 2012: Stephanie A. Egger asked Timothy D. Beard III and John C. O'Brien if they had reviewed the minutes from the October 1, 2012 Supervisors Meeting. Response was affirmative. Timothy D. Beard III made a **motion** to approve the minutes as submitted. John C. O'Brien second the motion. Motion passed by unanimous vote.

OLD BUSINESS:

1. Cross Keys Diner/Hensco: Stephanie A. Egger presented the test result reports from LABS, Inc. showing the BOD levels for the Cross Keys Diner/Hensco. Judy Gemmill, Cross Keys Diner, had e-mailed a spreadsheet with her report of the BOD levels; this was presented to the Board Members. It was stated that we were missing one of the reports, Judy Gemmill, Cross Keys Diner, gave a copy to Stephanie A. Egger. It was agreed that the BOD levels continue to look good. John C. O'Brien made a **motion** to accept the reports as submitted. Timothy D. Beard III second the motion. Motion passed by unanimous vote.

2. John Murphy Easement: Stephanie A. Egger stated that there has been no activity on this matter. The issue remains tabled.

3. Hamilton Drive: Stephanie A. Egger stated that at the October 1st meeting, Sandra Duttera, 200 Hamilton Drive, informed the Board that she has been having problems with traffic going down her street at high speeds. She requested that the Township install signage to help prevent speeders. Jay Livingston, Roadmaster, has recommended that the

township place a "Road Ends" sign at the end of the road. Timothy D. Beard III made a **motion** to approve the signage. John C. O'Brien second the motion. Motion passed by unanimous vote. Deborah A. Brogan will send a letter to the resident.

4. Rolling Lane: Stephanie A. Egger stated that at the October 1st meeting, Gerald DeGroft, 190 Woods Road, presented pictures of damage to his front yard, done by large semi-trucks coming down his road. Mr. DeGroft asked if the Township could put up signs stating "No Trucks". Jay Livingston, Roadmaster, has recommended the following: at the intersection of Brough Rd. and Rolling Ln. a sign saying "No Semi Trucks" will be placed. At Rolling Ln. where the dirt road begins, going west, a sign saying "No Trucks" will be placed. At the intersection of Rolling Ln. and Woods Rd. a sign saying "No Trucks" will be placed. Timothy D. Beard III asked what type of trucks this applies to, Jay Livingston stated it would be towards semi's, anything over ¾ ton. Timothy D. Beard III made a **motion** to approve the signage. John C. O'Brien second the motion. Motion passed by unanimous vote. Deborah A. Brogan will send a letter to the resident.

5. Stephanie A. Egger stated that at the October 1st Board Meeting, it was stated that the Amended Zoning Ordinances would be sent to Adams County Office of Planning and Development for their review and comment. This was done on October 2nd; however we have had no response from them to date.

NEW BUSINESS:

1. State Police: Stephanie A. Egger read the report for service in Hamilton Township for the month of October 2012
2. Liberty Fire Co. No. 11: Mike Thomas from Liberty Fire Co. read his monthly reports for August, September and October 2012
3. United Hook & Ladder Co. No. 33: Ben Sipe from United Hook & Ladder read his monthly report for September and October 2012

Stephanie A. Egger announced that United Hook & Ladder will be having Bingo Night on Friday, November 16, 2012 at 7:00 pm. Proceeds will benefit the Fire Dept. Prizes will be from "Thirty-one" and the "Pampered Chef." There is a flyer on the bulletin board with more details.

4. Hampton Fire Co. No. 10: No one was present from Hampton Fire Co. No monthly report was available for October 2012
5. SPCA Collection: Stephanie A. Egger stated that the Township continues to collect items for the Adams County SPCA for the care of the animals at the shelter. Their Wish List is on the sign-in table and posted on the bulletin board. On October 10th the Township office received a thank you letter from the SPCA for our first delivery and there was a nice article in the Evening Sun, thank you Melody Aspers. Stephanie A.

Egger stated that a second delivery was made on October 27th. Deliveries will continue and be made on the last Friday of the month.

6. Election Day: Stephanie A. Egger announced that the Township Office will be closed on November 6th. The building is you're "polling location" and will be open for voting from 7:00am till 8:00 pm.

7. Resolution 2012-68: Stephanie A. Egger stated that action needs to be taken to accept the receipt of and amount of the Minimum Municipal Obligation (MMO) for the PSATS Pension Plan for 2013. The total obligation is \$22,859.00 to be paid in 2013. Timothy D. Beard III made a **motion** to accept the obligation. John C. O'Brien second the motion. Motion passed by unanimous vote.

8. Resolution 2012-69: Stephanie A. Egger stated that action needs to be taken to appoint Jerry Warren as a member of the Parks & Recreation Board for a five (5) year term. Ron Weidner verified that this appointment was recommended by the Board. John C. O'Brien made a **motion** to appoint Jerry Warren to the Parks & Rec Board. Timothy D. Beard III second the motion. Motion passed by unanimous vote. Deborah A. Brogan will send a letter to Mr. Warren.

9. Resolution 2012-70: Stephanie A. Egger stated that action needs to be taken to approve a transfer of funds from ACNB 94 Sewer Account to the Susquehanna 94 Sewer Account to facilitate the monthly payment of our commercial loan. After brief discussion, Timothy D. Beard III made a **motion** to approve transferring \$25,000 to the Susquehanna 94 Sewer Fund from the ACNB 94 Sewer Fund to facilitate the monthly payment of our commercial loan. John C. O'Brien second the motion. Motion passed by unanimous vote.

10. Resolution 2012-71: Stephanie A. Egger stated that action needs to be taken to appoint John C. O'Brien as Hamilton Township representative to the East Berlin Area Joint Sewer Authority for a term of Five (5) years. (2013-2017). Timothy D. Beard III made a **motion** to approve the appointment. Stephanie A. Egger second the motion. Motion passed by unanimous vote.

11. Community Media TV Station: Stephanie A. Egger stated that at the October Regular Meeting, funding for the Community Media Channel was discussed. This channel is to be made available to all Boroughs and Townships in the area and Comcast will carry the media on channel 12. Stephanie A. Egger stated that we have had no response or interest shown by the residents. After further discussion, Timothy D. Beard III made a **motion** to table a decision until the December meeting. John C. O'Brien second the motion. Motion passed by unanimous vote.

12. Pine Run Bond Release: Stephanie A. Egger stated that at the October Regular Business Meeting, Charlie Mallios, one of the owners of the Pine Run Community, asked the Board of Supervisors to release a Security Bond in the amount of \$74,318.00 which is in place for improvements to the infrastructure at Pine Run Community. The Board of

Supervisors had the documents and request letter reviewed by the Township Engineer, Jason Reichard.

Jason Reichard stated that they received the request to reduce the public improvement financial security for this project. Jason Reichard stated that the original Phase 1 security was posted in the amount of \$38,078.15. Based on his review it is recommended that \$0.00 be released, leaving the balance at \$38,078.15. Jason Reichard recommended that Mr. Mallios revise the plans dated 6/16/09 to reflect the true as-built conditions and to identify the limits of residential housing along Crystal Creek Crossing. The plan should be submitted for review by the Supervisors to grant approval of the proposed revisions. Reduction of security for the cul-de-sac improvements would be pending receipt of said approval. Phase 2 security was posted in the amount of \$36,239.50. Based on our review we recommend \$0.00 be released. The request for reduction of security is in response to finished grading and seeding work performed to construct swales at 513 Musket Ridge Road. We have found that the swales are only 25% vegetated and have become eroded. A letter needs to be sent to Mr. Mallios informing him of the engineer's decision. Timothy D. Beard III made a **motion** to hold the bond and not release based on the above reasons. John C. O'Brien second the motion. Motion passed by unanimous vote. It should be noted that Charlie Mallios was not present. Deborah A. Brogan will send letter with the Boards decision.

13. SEK Seminar: Stephanie A. Egger stated that she and Deborah A. Brogan would like permission to attend a seminar focused on updates and issues affecting payroll and other compliance matters presented by SEK Accountants on Monday, November 26, from 8:00 to 11:00am. There is no fee for the seminar. Timothy D. Beard III made a **motion** to approve attendance at the seminar by both Stephanie A. Egger and Deborah A. Brogan. John C. O'Brien second the motion. Motion passed by unanimous vote.

14. East Berlin Community Library: Stephanie A. Egger stated that action needs to be taken to approve sending a letter to US Dept. of Agriculture (USDA) in support of the Library obtaining a loan from the USDA for their expansion and renovation of the East Berlin Community Library. Timothy D. Beard III asked what the USDA had to do with the Library, it was noted that the address said "Rural Development." Timothy D. Beard III made a **motion** to approve sending a letter to the USDA in support of loan. John C. O'Brien second the motion. Motion passed by unanimous vote.

15. PennDot Turnback Allocation: Stephanie A. Egger stated that action needs to be taken to acknowledge receipt of the "Notice of Turnback Allocation" for the township estimated Turnback maintenance for 2013. The township is to receive \$10,000 and should be received in May 2013. Becky Julian asked if this is deposited into the State Fund. Stephanie A. Egger stated yes. Ron Weidner asked for clarification of what this money is for – Stephanie A. Egger gave explanation. Timothy D. Beard III made a **motion** to accept the Turnback Allocation as submitted. John C. O'Brien second the motion. Motion passed by unanimous vote.

16. PSATS Executive Board Member: Stephanie A. Egger stated that Hamilton Township has been asked to approve the appointment of Mr. Michael J. Dennehy as a Trustee of the PA Municipalities Pension Trust Fund Board. His term of office will be Jan. 1, 2013 thru Dec. 31, 2018. Timothy D. Beard III stated that his bio showed that he has the ability to do this job. Timothy D. Beard III made a **motion** to send a letter of support to PSATS. John C. O'Brien second the motion. Motion passed by unanimous vote.

17. Stephanie A. Egger stated that Ron Balutis has requested approval to attend three (3) classes through the PA Construction Codes Academy. Two classes are to be held on December 18, 2012 and the third class is on January 16, 2013. The Zoning Dept. budget for this category still has funds available for 2012. After discussion, Timothy D. Beard III made a **motion** to approve sending Ron Balutis to these three (3) classes. John C. O'Brien second the motion. Motion passed by unanimous vote.

18. L.A.B.S., Inc. Price Quotes: Stephanie A. Egger stated that we have received a price quote from L.A.B.S. Inc. for Analytical Testing of Wastewater for 2013 at the following locations: McDonalds, Cross Keys Diner and Getty Mart. Stephanie A. Egger stated that these are the same prices as 2012. John C. O'Brien made a **motion** to approve the price quote. Timothy D. Beard III second the motion. Motion passed by unanimous vote.

19. Proposed 2013 Budget: Stephanie A. Egger stated that action needs to be taken to approve the proposed 2013 Budget and the advertising for a period of twenty (20) days. Stephanie A. Egger gave a correction and explanation of increase for Account #486.353 Bonding Insurance. The 2013 budgeted amount needs to be increased by \$497.00 to cover the Bond Amount for our Treasurer. The adjustment was made and the new totals were noted. Stephanie A. Egger stated that this is the first time in nine (9) years that we do not have a deficit and that we will have no township tax increase. Timothy D. Beard III thanked the Finance Committee for all the hard work. Timothy D. Beard III then made a **motion** to approve the proposed budget as submitted and approve advertising for the required 20 days. The budget will be adopted at the December meeting. John C. O'Brien second the motion. Motion passed by unanimous vote.

20. Stephanie A. Egger stated that an Executive Meeting was held on October 24, 2012 to discuss legal matters. Stephanie A. Egger stated that an Executive Meeting will be held after the meeting this evening for discussion of legal matters.

21. Memorandum of Understanding w/Adams County Conservation District: Stephanie A. Egger informed the Board that they have received a Memorandum of Understanding (MOU) from Adams County Conservation District to jointly promote the conservation of natural resources on lands both public and private within the municipality in order to control accelerated erosion and prevent sedimentation to the waters of this Commonwealth from earth disturbance activities, thus assuring the health, safety and general welfare of the residents of both the municipality and Adams County. They are asking that we sign the Agreement in support. Timothy D. Beard III stated that he is not pleased with the MOU. He feels that we need to say no sometimes. Becky Julian asked

for more clarity. Stephanie A. Egger gave explanation. Mel Lebo stated that this started in Maryland with the Chesapeake water run-off problems. They are looking for our cooperation. Ron Balutis stated that the MOU makes the verbiage clearer, so that everyone is on the same page. Timothy D. Beard III said “no” to support. John C. O'Brien made a **motion** to table for further review to the December meeting. Timothy D. Beard III second this motion. Vote: John and Tim – yes; Steph abstained, she feels the MOU needs to be addressed. Motion carried.

22. Stephanie A. Egger asked Timothy D. Beard III to address the EMA issues as a result of the recent hurricane “Sandy.” Timothy D. Beard III stated that he activated the emergency mgmt. procedures and its members. The township road crew was busy with three downed trees and some swale cleanup. Tim will be turning in the Township costs to PEMA and FEMA. If anyone has property damage that they wish to report, please let him know. Tim stated that everything went smoothly during the storm.

Stephanie A. Egger asked if there was any further business to be brought before the Board. There was none.

BID OPENING: Stephanie A. Egger stated that at this time the Board of Supervisors would like to open any and all bids for the 1983 Ford 800 Single Axle Dump Truck placed for bid on Sept. 21st. Stephanie A. Egger stated that there were no bids received in the Township Office. Jay Livingston confirmed that he also had received no bids. Stephanie A. Egger will look into the requirements for re-advertising.

PUBLIC COMMENTS:

1. Ann Harman, 700 Road, said that she wanted to thank the Budget Committee and the Township office for their hard work in getting the budget done. She also wants to thank the Public Works guys for helping to save the township money by doing a lot of the Glabview and road work. Ann thanks Allen Egger for taking the deliveries to the SPCA.
2. Becky Julian, 200 Garber Rd., asked if the Community Media has requested a specific amount. Stephanie A. Egger stated that no amount was requested, but that possibly it would be a percentage of what we get from Comcast. We cannot determine if anyone is using this system. Becky Julian asked if Melody Aspers would put an article in the paper.
3. Mary Beard, Forest Drive, asked that everyone get out and vote.

PLANNING COMMISSION RECOMMENDATIONS AND STATUS OF ACTIVE PLANS: Nothing pending.

COMMITTEE & DEPARTMENT REPORTS:

1. East Berlin Area Community Center (EBACC): Henry Lutz presented his report from the Board meeting and a listing of the events schedule. He stated that they need people to sign up for the classes and membership. The Christmas Bazaar will be on December 1st from 8:00-2:00 pm. Repairs are moving along at the center.
2. Abbottstown Paradise Joint Sewer Authority: John O'Brien stated that not much is going on, they had some damage from the recent storm but repairs are being made.
3. Parks and Recreation Board: Ron Weidner stated that they did not have a meeting last month. They are still waiting to hear about the grant.
4. Road Master's Report: Jay Livingston stated that they are doing some fix-up work as a result of the recent storm. They are working on signage issues. They had some issues with the sewer and people illegally dumping sump pump water into the sewer. Jay stated that letters will soon be going out to inform residents about this illegal issue. Stephanie A. Egger mentioned that you can be fined for illegally dumping into the sewer system.
5. COG Report: Jay Livingston stated that the meeting was held on October 25th. John Eline gave a report on the radio system. Steve Niebler gave a report concerning the Dept. of Aging. There was discussion about clean fill. Will Tallman addressed the passed prevailing wage issue. There will be a Public Works Breakfast on Nov. 12th.
6. East Berlin Joint Authority Report: John O'Brien stated that they had some electrical problems as a result of the recent storm, these have been addressed. They are looking into buying generators for the pump stations.
7. Finance Committee Report: Stephanie A. Egger addressed the monies saved by the Public Works guys. They saved the township an estimated \$40,000. Becky Julian thanked her committee for all their hard work. She also thanked the front office and Timothy D. Beard III and Ann Harman for the kind words. Becky Julian presented her final report and figures.
8. East Berlin Library: Brian Campbell stated that they are still in the process of funding raising activities.

Solicitor's Report: James Young, Esq., Attorney stated that they are in the process of filing municipal liens, preparing for collection of attorney fees for the David Lease issues and following up on issues with Cross Keys Diner/Hensco. Attorney Young presented his report to the Board.

Engineer's Report: Jason Reichard, P.E. presented his report to the Board. Jason Reichard stated that he nothing else after discussion of the Pine Run issue.

Zoning Officer's Report: Ron Balutis, ZO/BCO, presented his report to the Board of Supervisors. Ron has been following up on building that is going on w/o permits. He is working on permits needed to do emergency repairs as a result of the recent storm. Ron Balutis addressed other issues, he also stated that he spoke to Charlie Mallios and Mr. Mallios will be submitting a revised plan.

MOTION TO PAY THE BILLS:

Stephanie A. Egger presented the Board with a listing of the October 2012 bills to be approved for: General Fund, Route 94 Sewer, Glabview Sewer, Traffic Light, and State Fund. John C. O'Brien made a **motion** to approve the bills as submitted. Timothy D. Beard III second the motion. Motion passed by unanimous vote.

Good of the Order:

John C. O'Brien said thank you for coming. Thank you to the Finance Committee for a job well done. Please get out and vote.

Timothy D. Beard III stated that he concurs with John on voting. He hopes that everyone has a nice Thanksgiving.

Stephanie A. Egger stated that the budget they received this evening is a condensed version. They can review the full budget in the Township Office or on our website. Please get out and vote and have a happy Thanksgiving.

Stephanie A. Egger gave the schedule for the October meetings:

Next Parks & Recreation Committee Meeting – Tuesday, Nov. 13, 2012 @ 7:00 pm

Next Planning Commission Meeting – Tuesday, Nov. 20, 2012 @ 7:00 pm

Next Finance Committee Meeting – November meeting has been cancelled. Next meeting will be in February 2013

Next Board of Supervisors Regular Meeting – Monday, Dec. 3, 2012 @ 7:00 pm

Adjournment

Having nothing further to discuss, Timothy D. Beard III made a **motion** to adjourn. John C. O'Brien second the motion. Motion passed by unanimous vote. Meeting adjourned at 8:25 pm

Minutes taken and transcribed by:

Deborah A. Brogan
Hamilton Township Secretary