

Hamilton Township Board of Supervisors
Regular Meeting Minutes
Monday, January 4, 2020

CALL TO ORDER: The meeting was called to order at 7:04 PM with the Pledge of Allegiance by Stephanie A. Egger.

Supervisors present were Ronald L. Weidner, Timothy D. Beard, III and Michael A. Strausbaugh. Also present were Ronald T. Tomasko, ESQ, Chad Clabaugh, P.E. of C. S. Davidson, Inc., Roadmaster Thomas Barrows, Parliamentarian Stephanie A. Egger and Assistant Secretary Jessica Baim.

APPROVAL OF MINUTES:

Regular Scheduled Meeting, December 7, 2020

*Upon review of the minutes of the December 7, 2020 meeting a motion was made by Timothy D. Beard, III to approve, with a second by Ronald L. Weidner. **Motion was unanimously approved.***

PUBLIC COMMENTS: None

OLD BUSINESS:

1. SPCA Collection: We continue to collect items for the Adams County SPCA for the care of the animals at the shelter. They need towels, blankets, toys, etc. in good condition.
2. Ronald McDonald House : The Township continues to collect glossy paper magazines, glossy newspaper inserts, etc.
3. Bridge Update: Ronald L. Weidner informed everyone that Paradise Township agreed to C.S. Davidson's proposal for doing the permitting for Protectory Road and Home Road Bridges.
4. Professional Engineering Service proposal from C.S. Davidson, dated 12-1-2020: Stephanie Egger reviewed the proposal from C.S. Davidson, Inc dated 12-1-2020 that was tabled in December 2020. Ronald L. Weidner reported that Paradise Township signed off to accept the Professional Engineering Service proposal at the Paradise Township Board of Supervisors meeting held December 14, 2020. Ronald L Weidner suggests that Hamilton Township should accept the proposal and sign off to accept. Chad Clabaugh of C.S. Davidson wanted to confirm the schedule of this proposal which did not include the construction phase. Chad Clabaugh of C.S. Davidson thought that permitting should occur first and then fall of 2021 getting this bid for 2022 construction. Chad Clabaugh will make that recommendation to Paradise Township as a schedule. Chad Clabaugh of C.S. Davidson asked if the Township would like C.S. Davidson to contact DEP and confirm if a H&H analysis will be required first, would save the Township an estimated \$10,000.00- \$12,000.00 if not required. Ronald L. Weidner agreed to check first with DEP and Timothy D. Beard, III confirmed. Ronald L. Weidner suggested to Chad Clabaugh of C.S. Davidson that all work with the Bridges should be invoiced separate from other services provided by C.S. Davidson to which Chad Clabaugh of C.S. Davidson confirmed that will occur. *Ronald L. Weidner made a motion to approve the Proposal for Professional Engineering, with a second by Timothy D. Beard, III. **Motion was unanimously approved***

NEW BUSINESS:

1. State Police: No report.
2. Northeast Adams Fire Co. #32-FIRE: Stephanie A. Egger read the report for the month of December

APPROVED

2020. For the month of December there were a total of 26 incidents with one incident in Hamilton Township.

3. Northeast Adams Co. #32- EMS: Stephanie A. Egger read the report for the month of December 2020. For the month of December there were a total of 113 incidents with five incidents in Hamilton Township
4. United Hook & Ladder Co. No. 33: Stephanie A. Egger read the report for the month of November. For the month of November there was a total of 54 incidents with six incidents in Hamilton Township.
5. Adams Regional EMS, Inc. Monthly Report for Hamilton Township- Stephanie A. Egger read the report for the month of November. For the month of November there was a total of 599 incidents with nine incidents in Hamilton Township.
6. PSATS survey: Stephanie Egger requested the Board of Supervisors review and fill out the PSATS survey. Stephanie Egger informed the Board of Supervisors that the survey is in their weekly review folder. Stephanie Egger informed them she needs responses by January 13, 2021 to have the appropriate time to respond back to PSATS.
7. Resolution 2020-35: Appointment of Jessica M. Baim as the Assistant Treasurer. A motion was made by Michael A. Strausbaugh to approve Jessica M. Baim as the Assistant Treasurer, with a second by Ronald L. Weidner. ***Motion was unanimously approved.***

Other business to come before the Board of Supervisors: None

Planning Commission recommendations and status of active plans:

1. Waiver from 10' interval contour line requirement in SALDO Sec. 120-14. A (3) for the Hamilton Power GenOn subdivision. Stephanie Egger read the inter-office memo: To the Board of Supervisors: Hamilton Power, LLC proposed a subdivision plan intended to allow the sale and development of the Proposed Lot B. Proposed Lot A will continue to be used as a Public Utility Use. The current application is limited to the subdivision of the property; it does not contemplate earth moving, a change in use, or land development. Hamilton Power LLC understands that any future development or new use of the subject property must be reviewed for compliance with the Township's Subdivision and Land Development Ordinance (SALDO) and Zoning Ordinance. It is also understood that any future development or new use of the subject property must obtain and comply with all applicable Township permits and approvals. The SALDO requirement §120-14. A (13) requires contour lines at intervals of no more than 10'. On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors approves the waiver for the plan with 1'=20' contours. Based on the current contours based on the USGS Quad map, which only provides 1'=20' contours. *A motion was made by Ronald L. Weidner to approve Waiver 1, with a second by Timothy D. Beard, III. Motion was unanimously approved.*

2. Waiver from requirement to list underground utilities in SALDO Sec. 120-14. B (7) for the Hamilton Power-GenOn subdivision. Stephanie Egger read the inter-office memo: Hamilton Power, LLC proposed a subdivision plan intended to allow the sale and development of the Proposed Lot B. Proposed Lot A will continue to be used as a Public Utility Use. The current application is limited to the subdivision of the property; it does not contemplate earth moving, a change in use, or land development. The SALDO requirement §120-14. B (7) requires the listing of underground utilities and contact information in accordance with the Pennsylvania One call System ("PA One Call). On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors approves the waiver for the subdivision plan without the underground utilities and contact information. Since no development is proposed at this time, there is no need to complete a PA One Call. Future development would require the submission of this information and the completion of a PA One Call. This plan also provides a lot line within the Public Right-of-Way which is the center of the

Township roadway. *A motion was made by Michael A. Strausbaugh to approve Waiver 2, with a second by Timothy D. Beard, III. Motion was unanimously approved.*

3. Waiver from street improvement requirements in SALDO Sec. 120-21 for the Hamilton Power-GenOn subdivision. Stephanie Egger read the inter-office memo: Hamilton Power, LLC proposed a subdivision plan intended to allow the sale and development of the Proposed Lot B. Proposed Lot A will continue to be used as a Public Utility Use. The current application is limited to the subdivision of the property; it does not contemplate earth moving, a change in use, or land development. The SALDO requirement §120-21 provides certain street design standards, including minimum cartway width, sight distance, and minimum and maximum grades. Section §120-21.M permits the Board of Supervisors to approve a payment of a uniform lineal footage fee, as established by the Township by resolution, in-lieu of requiring such improvements at the time of subdivision. On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors approves the waiver for the proposed subdivision without requiring improvements to Mummerts Church Road or a fee in-lieu. The proposed subdivision will not generate any traffic or other road impacts on Mummerts Church Road or anywhere else on the Township's streets. Also, the owner is not proposing any development subsequent to obtaining this subdivision or in the near future. Any eventual development of the site would need to comply with the road improvement or fee in-lieu requirements applicable at that time, and the determination as to whether improvements or fee in-lieu are more appropriate could be determined at that time. Finally, approval of this waiver does not compromise the intent or general provisions of the subdivision design requirements, set forth in §120-19 and §120-20 of the SALDO. *A motion was made by Ronald L. Weidner to approve Waiver 3, with a second by Timothy D. Beard, III. Motion was unanimously approved.*

B. The Planning Commission recommends a conditional approval of the Sub-Division Plan for Hamilton Power-GenOn. The three conditions are: Condition #1, The Certification of Ownership, Plan Acknowledgment and Offer of Dedication signed by the owner (s) and notarized. (SALDO §120-14. A (17). To be completed within 30 days of this Board of Supervisors meeting. *A motion was made by Timothy D. Beard, III to approve Condition #1, with a second by Ronald L. Weidner. Motion was unanimously approved.* Condition #2, Waivers, and approval dates once approved, need to be added to the plan. To be completed within 30 days of this Board of Supervisors meeting. *A motion was made by Ronald L. Weidner to approve Condition #2, with a second by Michael A. Strausbaugh. Motion was unanimously approved.* Condition #3, The revision block should include a statement such as "revised per Township Engineer comments" rather than just the current wording that suggests the only update was for the sewage planning. To be completed within 30 days of this Board of Supervisors meeting. *A motion was made by Ronald L. Weidner to approve Condition #3, with a second by Timothy D. Beard, III. Motion was unanimously approved.* Representative Krista Staley was present for the review, thanked the Board of Supervisors for their time and excused herself from the meeting.

C. The Planning Commission recommends forwarding the proposed stand-alone Driveway Ordinance No. xxxx-141 to the Township Solicitor for review. Stephanie Egger read the inter-office memo: On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors forward the Driveway Ordinance No. xxxx-141 to the Township Solicitor for review. As part of the Ordinance, the Hamilton Township Construction & Material Specifications sheet has been updated to reflect requirements for driveways. *A motion was made by Ronald L. Weidner to forward to Township Solicitor, with a second by Timothy D. Beard, III. Motion was unanimously approved.*

D. The Planning Commission recommends the following revision to the SALDO §120-16. Deletion of the word "Mylar" polyester film from the narrative. Correcting the verbiage to state the applicant shall submit five full-size paper copies to the secretary/treasurer in order to obtain the seals and signatures of Township Officials. *A motion was made by Timothy D. Beard, III to approve the modification, with a second by Ronald L. Weidner. Motion was unanimously approved.*

E. The Planning Commission recommends the following revisions to the Sign Regulations within the Zoning Ordinance 150. The revisions will be sent to the Solicitor and ACOPD for review and comment. Stephanie

Egger read the inter-office memo: On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors adopt the revisions to the Sign Regulations Ordinance §150. The following revisions are as follows: §150-105-A. No sign shall be located within a PennDOT or Township road right-of-way, except an official road sign, traffic sign, and any other sign required by law.

§150-105-add: No sign shall be placed within the clear sight triangle of any intersection as per the requirements of §120-21. F, nor at any other location that could obstruct or impair a motorist's clear vision. In addition, no sign shall be located where it could be an impediment to pedestrian traffic. K. All applicable state regulations shall be met where signs are proposed in areas adjacent to highways included in PennDOT's state-owned highway network. A written copy of PennDOT's determination shall accompany all applications for signs in such areas. §150-110.A-add: (7). All applicable state regulations shall be met where signs are proposed in areas adjacent to highways included in PennDOT's state-owned highway network. A written copy of PennDOT's determination shall accompany all applications for signs in such areas. §150-113.B Maximum sign area-300 gross s.f. per side; 48 feet maximum length, temporary embellishments to not exceed 20% of gross area. *A motion was made by Ronald L. Weidner to approve revisions once reviewed by Solicitor and ACOPD, with a second by Timothy D. Beard, III. Motion was unanimously approved.*

F. The Planning Commission recommends the following amendments to the Zoning Ordinance §150 for Medical Marijuana be sent to the Township Solicitor and ACOPD for review. Stephanie Egger read the additions and amendments as follows: **Add to §150-5 (Definitions)**

1. Academic Clinical Research Center – An accredited medical School within the Commonwealth that operates or partners with an acute care Hospital licensed within the Commonwealth.

2. Medical Marijuana – Marijuana for certified medical Use as set forth in Pennsylvania Act 16 of 2016.

3. Medical Marijuana Delivery Vehicle Office – Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

4. Medical Marijuana Dispensary – A Person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense Medical Marijuana.

5. Medical Marijuana Dispensary Facility - An indoor, enclosed, permanent, and secure building from which a medical marijuana dispensary may dispense medical marijuana from.

6. Medical Marijuana Grower/Processor – A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process Medical Marijuana.

Amend §150-61 to add the following (C District – By Right Use)

HH. Academic Clinical Research Center, in accordance with §150-98.NN.

II. Medical Marijuana Dispensary Facility, in accordance with §150-98.OO.

JJ. Medical Marijuana Transport Vehicle Office, in accordance with §150-98. QQ

Amend §150-69 to add the following (EI District – By Right Use)

FF. Academic Clinical Research Center, in accordance with §150-98.NN.

GG. Medical Marijuana Transport Vehicle Office, in accordance with §150-98. QQ.

Amend §150-71 to add the following (EI District – Special Exception)

I. Medical Marijuana Grower/Processor, in accordance with §150-98. PP.

Add to §150-98

NN. Academic Clinical Research Center

1. An Academic Clinical Research Center may grow Medical Marijuana only in an indoor, enclosed, and secure Building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.

OO. Medical Marijuana Dispensary Facility

1. The Medical Marijuana Dispensary must be legally registered in the Commonwealth and possess a current valid Medical Marijuana permit from the Pennsylvania Department of Health.

2. The Medical Marijuana Dispensary may only dispense Medical Marijuana in an indoor, enclosed, permanent, and secure Building.

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3. The Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower / Processor facility.

4. The Medical Marijuana Dispensary Facility shall have a single secure Public entrance and shall implement security measures to prevent the unauthorized entrance into areas containing Medical Marijuana.

5. The Medical Marijuana Dispensary Facility shall not include any of the following functions or features.

- a. Drive-Through service or facilities
- b. Outdoor seating areas
- c. Outdoor vending machines
- d. Direct or home delivery service

6. The Medical Marijuana Dispensary Facility shall prohibit the administration of, or the consumption of, Medical Marijuana on the premises.

7. The Medical Marijuana Dispensary Facility may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the Building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected Use, regardless of the Municipality in which it is located.

8. The Medical Marijuana Dispensary Facility shall be separated by a minimum distance of one thousand (1,000) feet from any other Medical Marijuana Dispensary Facility. This distance shall be measured in a straight line from the closest exterior walls of the Buildings or portions thereof in which the Medical Marijuana Dispensary Facilities are conducted or proposed to be conducted, regardless of the Municipality in which it is located.

PP. Medical Marijuana Grower / Processor

1. The Medical Marijuana Grower / Processor must be legally registered in the Commonwealth and possess a current valid Medical Marijuana permit from the Pennsylvania Department of Health.

2. The Medical Marijuana Grower / Processor may only grow Medical Marijuana in an indoor, enclosed, and secure Building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.

3. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health policy and shall not be placed within any unsecure exterior refuse containers.

4. The Medical Marijuana Grower / Processor shall provide only wholesale products to other Medical Marijuana facilities. Retail sales and dispensing of Medical Marijuana and related products is prohibited at Medical Marijuana Grower/Processor facilities.

5. The Medical Marijuana Grower / Processor may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the Building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected Use, regardless of the Municipality in which it is located.

6. A water supply feasibility report, prepared in accordance with relevant requirements of the Hamilton Township Subdivision and Land Development Ordinance, respectively, shall be prepared to demonstrate that sufficient water resources are available to serve the proposed Use. In addition to meeting all requirement of the applicable Subdivision and Land Development Ordinance, the report shall assess any water quality and water quantity impacts for all Public and Private wells within a mile of the proposed Medical Marijuana Grower / Processor facility. The report shall be prepared by a licensed hydrogeologist.

QQ. Medical Marijuana Transport Vehicle Service

1. Any Medical Marijuana storage, including temporary storage, at a Medical Marijuana Transport Vehicle Service facility shall be secured to the same level as that for a Medical Marijuana Grower / Processor facility.

2. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall be equipped with a locking cargo area.

3. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall have no markings that would identify the vehicle as being used to transport Medical Marijuana.

Add to §150-116 (Parking, Loading & Stacking Regulations – Required Facilities)

Academic Clinical Research Center	1 space per 1.5 student based on design capacity plus 1 space per classroom
Medical Marijuana Grower/Processor/ Medical Marijuana Delivery Vehicle Office	1 per 1,000 square feet of Floor Area devoted to heavy industrial function –or – 3 spaces per 4 employees on the largest shift, plus 1 space for every company vehicle normally stored on the premises.
Medical Marijuana Dispensary Facility	1 per 400 square feet of Floor Area devoted to customer Use

*A motion was made by Ronald L. Weidner to forward the Medical Marijuana amendments to the Township Solicitor and ACOPD for review, with a second by Timothy D. Beard, III. **Motion was unanimously approved.***

COMMITTEE & DEPARTMENT REPORTS:

1. East Berlin Area Community Center (EBACC): No Representative present. No report.
2. Abbottstown Paradise Joint Sewer Authority: No Representative present. No report.
3. Parks and Recreation Committee: No report. Meetings cancelled till March 2021.
4. Emergency Management: No report.
5. YATB & ACTCC Tax Board Report: No report.
6. Road Master's Report: Started December by getting plows and equipment ready for the winter season, already plowed once in December. The fuel tank for the generator on the bucket truck was fixed, and only minor repairs were required after plowing occurred.
7. COG: No report.
8. East Berlin Area Joint Authority: Ronald L. Weidner indicated this meeting is to occur 1/7/2021.
9. East Berlin Library: No Representative present. No report.

Engineer's Report – Chad Clabaugh, C.S. Davidson, Inc gave his January 2021 report.

Subdivision, Land Development & Stormwater Plan Review:

1. Hamilton Power Subdivision – C.S. Davidson reviewed the revised plan and provided a comment letter dated 12-10-2020 with three comments. The plan was conditionally approved at the December Planning Commission meeting.

Other Projects:

1. Ordinance Updates- C.S. Davidson provided updates to the Driveway Ordinance which was discussed at the December Planning Commission meeting.

APPROVED

Solicitor's Report- Attorney Tomasko presented his monthly report which included communication with Township officials over miscellaneous legal matters, including medical marijuana ordinance and driveway ordinance.

Scott Weaver, Zoning Officer's Report – Stephanie Egger reviewed the report. There were a total of three zoning permits for the month of December. One for a roof mounted solar panel, one for demolition of a house, and one for a temporary sign. The current plans on the Planning Commission agenda: Hamilton Power, Pine Run Phase III, and Eisenhart Subdivision. There are three new plans that were accepted for review: Boyer, Sorensen, and Humphrey.

MOTION TO PAY THE BILLS: *Motion to pay the bills for the General Fund was made by Ronald L. Weidner, with a second by Timothy D. Beard, III. **The motion was approved unanimously.***

PUBLIC COMMENTS: None

SUPERVISOR COMMENTS:

Ron: Hopes everyone had a Happy Christmas and New Year's. Hoping for no more snow.

Tim: Hope everyone had a Happy New Year's and a rewarding Christmas. Thank you for all who attended and hopes everyone continues to attend.

Mike: Happy New Year's. Thank you for coming out.

Meeting Announcements:

Board of Supervisors: Monday, February 1, 2021 @ 7PM
Parks and Recreation Board: Tuesday, April 13, 2021
Planning Commission: Tuesday, January 19, 2021
Budget/Finance Workshop: Tuesday, April 27@ 6:30 PM

Adjournment

Having nothing further to discuss, Motion to adjourn was made at 7:53 PM by Ronald L. Weidner and second by Timothy D. Beard III. ***The vote was unanimous to adjourn.***

Minutes were recorded and transcribed by

Jessica Baim
Assistant Secretary