

Approved January 6, 2020

HAMILTON TOWNSHIP
Hamilton Township Board of Supervisors
Regular Meeting Minutes
Monday December 2, 2019

CALL TO ORDER:

The meeting was called to order at 7:00 PM by Stephanie A. Egger.

Supervisors present were: Ronald L. Weidner, Timothy D Beard III and Michael A. Strausbaugh. Also present were: Solicitor Ronald Tomasko, from the firm of Tomasko and Koranda Law; Parliamentarian Stephanie A. Egger; Roadmaster Tom Barrows; Engineer Chad Clabaugh and Interim Secretary Hannelore B. Furst

APPROVAL OF MINUTES:

Stephanie A. Egger asked the Supervisors to review the regular meeting minutes of November 4, 2019. *A motion was made by Timothy D. Beard, III, to accept the minutes as written with a second by Ronald L. Weidner. **Motion carried.***

PUBLIC COMMENTS: NONE

OLD BUSINESS:

1. SPCA Collection: Stephanie A. Egger stated the township continues to collect items (towels, blankets, toys & food) for the Adams County SPCA for the care of the animals at the shelter.
2. The Township continues to collect glossy paper, magazines, newspaper inserts, etc. for the Ronald McDonald House.
3. Bridge Update: Ronald L. Weidner reported he has been in contact with the secretary and she will inform their engineers about Hamilton Twp.'s concern of the Jacob's Mill bridge, and will continue to gather information.

NEW BUSINESS:

- (1) State Police: Stephanie A. Egger read the report with 40 incidents reported for the month of October.
- (2) Northeast Adams Fire Co. #32-FIRE Stephanie A. Egger read the monthly report of the Northeast Adams Fire-there were 29 calls with 2 in Hamilton Township.
- (3) Northeast Adams Fire Co. #32-EMS: No Report.
- (4) United Hook & Ladder Co. #33: Stephanie A. Egger read the report for September with 48 calls with 4 in Hamilton Township; and October had 54 calls with 6 in Hamilton Twp.
- (5) Adams Regional EMS, Inc: No Report for the last 2 months.
- (6) Stephanie A. Egger read the Thank you letter of support from the Proclamation Department of the National School Choice Week.
- (7) Stephanie A. Egger thanked Clem and Ann Harman on behalf of Hamilton Twp. for providing the township with a new American flag on Wednesday, November 6, 2019.

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- (8) Stephanie A. Egger thanked Representative Torren Ecker on behalf of Hamilton Twp. for providing the township with an additional American flag on Wednesday, November 13, 2019.
- (9) Stephanie A. Egger presented the advertised 2020 General Fund Budget. *A motion was made by Ronald L. Weidner, with a second by Michael A. Strausbaugh to accept the 2020 Budget. Motion carried.* It was mentioned that there were no inquiries, and this the 14th year with no increase in taxes.
- (10) Stephanie A. Egger presented the 2020 State Fund Budget. *A motion was made by Timothy D. Beard, III, with a second by Ronald L. Weidner to accept the 2020 State Fund Budget. Motion carried.*
- (11) Stephanie A. Egger read the announcement from Comcast announcing their changes to programming and the price changes, effective December 20, 2019.
- (12) Stephanie A. Egger read the report on the “Take Back Adams County” which was held October 26, 2019. It was another successful event. There were over 1,360.3 lbs. of items reclaimed with 51+ volunteers at 8 different sites.
- (13) Stephanie A. Egger read the 2020 Meetings Schedule. *On a motion by Timothy D. Beard, III, with a second by Ronald L. Weidner to accept the 2020 meetings schedule. Motion carried.*
- (14) Stephanie A. Egger read the 2020 Holiday Schedule and Office closing schedule. *On a motion by Michael A. Strausbaugh, with a second by Ronald L. Weidner to accept the 2020 Holiday and office closing schedule. Motion carried.*

PLANNING COMMISSION RECOMMENDATIONS AND STATUS OF ACTIVE PLANS:

- Recommendation from the Planning Commission to amend the Weed Ordinance; Chapter 142-1C as follows: “All grass shall be maintained at a height of no more than eight inches, unless excepted height is approved by the Township.”

A motion was made by Timothy D. Beard, III, with a second by Ronald L. Weidner to accept the amendment to the Weed Ordinance Chapter 142-1C. Chad Clabaugh explained the stormwater plan is the exception. There was a brief discussion that Chad Clabaugh gave several other suggestions for changes on this Ordinance, and he doesn’t think this is the final draft. He stated he provided a word document with tract changes. There was information from the Conservation District about invasive species also. Timothy D. Beard, III rescinded his motion and Ronald L. Weidner rescinded his second.

A motion was made by Ronald L. Weidner, with a second by Timothy D. Beard, III, to table the amendment to the Weed Ordinance Chapter 142-1C until it is further investigated. Motion carried.

- The Planning Commission of Hamilton Township recommends the Board of Supervisors accept \$10,000.00 fee in-lieu-of the traffic study and widening the road at 195 Old Mill Road, Walton's property. *A motion was made by Ronald L. Weidner, with a second by Timothy D. Beard, III, to accept \$10,000.00 fee in-lieu-of the traffic study and widening the road at 195 Old Mill Road. Motion carried.*
- The Planning Commission of Hamilton Township recommends the Board of Supervisors move forward with approving no waiver is needed to maintain the existing forested buffer of the Walton property at 195 Old Mill Road with the stipulation/agreement that should a tree or trees die; the Walton’s will replace those trees. *A motion was made by Michael A. Strausbaugh, with a second by Ronald L. Weidner to approve no waiver is needed to maintain the existing forested buffer of the Walton property at 195 Old Mill Road with the stipulation/agreement that should a*

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tree or trees die; the Walton's will replace those trees. There was a discussion; Chad Clabaugh wanted to clarify that according to SALDO 120-130 b 2 evergreen trees would be a buffer. Ronald Weidner mentioned that at the Planning Commission meeting they were told they did not need a waiver but it should be noted on the plans, that if a tree dies it would be replaced. **Motion carried.**

- The Planning Commission of Hamilton Township recommends Conditional Final Approval for the Walton Wedding Barn, 195 Old Mill Road; submitted plan based on the following nine conditions are satisfactorily met.
 1. Signatures, including the owner's notarized signature, need to be added to the plan. **Done.**
 2. The NPDES Permit major modification information needs to be provided on the plan once it is obtained. The major modification needs to be obtained prior to final plan approval. **Done.**
 3. A DEP sewage planning module approval is required. Approved Perc and Probe locations need to be provided on the land development plan. It will be an on-lot sand mount system. **Outstanding.**
 4. Section 120-15 requires financial security to be provided. The applicant needs to provide an estimate for review. Anything required by Ordinance, parking lot, stormwater and fencing. **\$197,178.30-Outstanding, coming up under recommendations.**
 5. Section 120-36 of the SALDO requires a traffic impact study to be provided when certain conditions apply. In our 10-15-19 letter we suggested certain conditions did not apply due to the fact that Old Mill Road has a few areas of concern where the road is less than the standard for two- way traffic. However, we also suggested that the Township could consider a fee in-lieu-of road widening as allowed by section 120-21 of the SALDO to be used to address these areas of concern on Old Mill Road. Therefore, if the fee in-lieu-of arrangement is agreed upon to address areas of concern then the "certain conditions" could be considered satisfied and therefore a waiver of this section would not be needed. **Done.**
 6. Section 120-21 requires the existing roadway to be widened to meet Township standards or a fee in-lieu-of may be provided. In our 10-15-19 letter we noted some reasons to consider the fee-in-lieu of option. We understand that the Township and developer wish to peruse that option. The arrangement for payment to the Township for use on the areas of concern on Old Mill Road should be formalized. After considerable discussion on the possible costs associated with fixing three road locations; it was decided that \$10,000.00 should be the fee in-lieu of the traffic study and fixing the guide rails. At a previous meeting it was suggested \$6,000 fee in lieu of a traffic study. Estimated time of opening of the venue will be Sept-Oct 2020. ***On a motion by Ronald L. Weidner and second by Ira Bitner it was recommended a \$10,000 fee in lieu of the traffic study and widening the road in front of the Walton's property. Motion carried. Done.***
 7. Section 120-30. B (2) of the SALDO requires a screening of evergreen plantings be established along all street and property boundaries. The applicant has added a note (see general note # 11) to maintain the existing forested buffer and has otherwise requested a waiver of the literal interpretation of the ordinance. We have no objection to this request. No waiver will be issued. There was a discussion on various options of hiding fencing and if a tree dies it will be replaced by another tree. ***On a motion by Ronald L. Weidner with a second by Lela Reichart to recommend to the Board of Supervisors that no waiver is needed. Motion carried. Done.***
 8. Section 117-19.1 (8) of the Stormwater Management Ordinance requires fencing for any stormwater management detention/retention facility that is designed to store at least a two-foot (2') depth of runoff. The current plan includes a waiver request to eliminate the fencing however we understand that request will be withdrawn. Assuming this is the path forward then the fence

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will need to be shown on the plan and a detail provided. We note that the ordinance requires the fence to be 4' min. height and allows for options other than chain link fence. The property owners have added fencing to the plan. They have formally withdrawn the waiver. **Done.**

9. Section 117-35 of the Stormwater Management Ordinance requires that prior to final approval of the SWM Site Plan, the property owner shall sign and record an O&M Agreement binding the property owner to conduct all maintenance and inspection activities identified in the approved O&M Plan for proposed Stormwater BMPs. **Draft has been provided, just need to enter into plan agreement. Mr. Walton also provided a copy of the O &M.**

On a motion by Ronald L. Weidner and a second by Ira Bitner the Planning Commission gives conditional approval to the SALDO 120 (195 Old Mill Road) based on the county's recommendation #2 and the engineer's nine comments on a letter dated November 7, 2019. Motion carried.

The five things that are needed:

- ***Title Page of the plan must be updated-Not Done. No handwritten date, want a new Title sheet with date corrected; only need a new Title sheet. Chad's concern is the waiver comment on the title sheet.***
- ***DEP's Sewage Planning Module approval.***
- ***Financial Security of \$197,178.30***
- ***Fee in-lieu-of- \$10,000.00***
- ***Stormwater Management Site Plan***

A motion was made by Ronald L. Weidner, with a second by Timothy D. Beard, III to give Conditional Approval to the Walton's submitted plan, once the engineer has reviewed and approved these five conditions. Motion carried.

COMMITTEE AND DEPARTMENT REPORTS:

1. East Berlin Area Community Center (EBACC)-Paul Minnich-NONE
2. Abbottstown Paradise Joint Sewer Authority-Kevin Moul-Reported on a disgruntled customer. Check your toilets if your sewer bills continue to climb.
3. Parks & Recreation Committee-Ronald L. Weidner-NONE
4. Emergency Management-Timothy D. Beard III-Reported the date of the hazardous mitigation meeting will be December 17, 6 PM at Buchannon Valley. He is planning an Emergency management meeting for the local organizations on Dec 16 at 7 PM. At Hamilton Twp. building.
5. YATB & ACTCC Tax Board Reports- Timothy D. Beard III-Reported there was a joint meeting of the YATB & ACTCC. Everything is in good shape. YATB is in need of a secretary.
6. Road Master's Report-Tom Barrows- He cleaned up debris under the bridges; the snow plow and spreader is on and ready, and the townships generator is repaired.
7. COG Report-Stephanie Egger -NONE

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8. East Berlin Area Joint Authority-Ronald L. Weidner-also had a disgruntled customer, and they are trying to secure funds for the rehab of the water tower near ACNB.
9. East Berlin Library-Pat Campbell- The library is working on the renovation of the basement.

Chad Clabaugh recommends the reduction in the security deposit of \$399,049.20 from Sheetz, Inc. to \$391,450.40. A copy was provided to the Board. *A motion was made by Ronald L. Weidner, with a second by Michael A. Strausbaugh to reduce the bond. **Motion carried.***

Chad Clabaugh recommends the Walton Public Improvement Security estimate for the preliminary/final land development plan to be \$197,178.30. *A motion was made by Timothy D. Beard, III, with a second by Ronald L. Weidner to accept \$197,178.30 as the security estimate. **Motion carried.***

Engineer's Report-Chad Clabaugh; Project Engineer from C S Davidson, Inc. presented his report for the month.

SUBDIVISION, LAND DEVELOPMENT, and STORMWATER PLAN REVIEWS:

- Cross Keys Traffic Signal (2997.3.19.10) CSD received notification that Oxford Twp. has pursued an arrangement for ongoing maintenance to the traffic signal and will work directly with Hamilton and Berwick Twps. On completing the arrangement. CSD will discontinue efforts on this until notified otherwise. He suggested Hamilton Twp. consider similar arrangements for the traffic signal at Weis Mkt, on Route 194.
- Cedar Ridge Subdivision & Land Review (2997.3.19.10)
Dec 2019-CSD received revised Stormwater as-built plans on 11/18/19 which are under review.
- Sheetz (2997.3.19.17)
Dec. 2019-CSD received a request for reduction in financial security for public improvements and issued a letter dated 11/29/19 recommending the security be reduced to \$7,598.80; primarily for establishment of vegetation in the stormwater facilities. This is intended to be held until spring growing season. The applicant will pursue termination of the permit with the Conservation District.
- Old Mill Road Wedding Venue
Dec 2019-CSD reviewed the revised Land development Plan and Stormwater report dated 10/16/19 issued a comment letter dated 11/7/19 with 9 comments. The plan was reviewed at the 11/19/19 Planning Commission meeting was recommended for conditional approval. The Planning Commission also recommended approval of the waiver of the landscape buffer and acceptance of the fee in-lieu-of street widening along the property frontage. CSD reviewed several iterations of the revised plans between 11/19/19 and 11/27/19 and issued a comment letter dated 11/27/19 with 5 comments. CSD also reviewed the security estimate and provided recommendations. They provided a draft estimate to the applicant's engineer for his review; and then provided a final estimate/recommendation dated 11/27/19.

Solicitor's Report-Ronald Tomasko, Attorney from the firm of Tomasko & Koranda; presented his written report.

- A hearing was held in the U.S. Bankruptcy Court on Nov. 5, 2019 regarding David lease can refinance the property at 150 Gun Club Road free and clear of the \$10,327.83 lien. Mr. Lease's lawyer withdrew the request for the bankruptcy Court approval of the refinancing.

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- Review of the Proposed Land Development Plan-Burkentine-Still waiting formal written decision confirming denial of the Special Exception hearing.

Zoning Officer's Report-Scott Weaver, Zoning/Code Enforcement Officer was absent

MOTION TO PAY THE BILLS

Stephanie A. Egger presented the Board with a listing of the bills for November to be paid from the General Fund. *A motion was made by Ronald L. Weidner with a second by Timothy D. Beard III to approve the payment of the bills as submitted. Motion carried.*

PUBLIC COMMENT

- Tim Tyler of 111 Woodland Dr. heard rumors about Burkentine's plan/development. He was told the Twp. is waiting on the formal decision.
- Pat Fahey-questioned suing.
- Dorry Long mentioned if you want to find things out attend the Planning Commission's meetings and the township meetings.
- Ann Harman had a list of concerns happening in the township. She mentioned the Cross Keys traffic signal and all the background information that the established people know. Not having a secretary; there should be a list for the emergency personnel on who would need assistance in case of a disaster.
- Clem Harman Planning Committee meetings
- Harold Senter stated concerning the water tower; check with Rep. Torren Ecker for help. He also questioned why Sheetz doesn't have a fence around their swale. Chad Clabaugh will check this out.
- Nancy Senter stated she wouldn't know where to go in an emergency.

COMMENTS

Ron: Thanks for coming, Merry Christmas Happy New Year.

Michael: Thanks for coming. Merry Christmas and a Happy New Year. Congratulations to Ron on the re-election.

Tim: Merry Christmas and a Happy New Year. Check the batteries in your smoke detectors; Be safe, and make sure your homes are well ventilated.

MEETING ANNOUNCEMENTS

Board of Supervisors, Reorganization Meeting, Monday, January 6, 2020 @ 6:30 PM; Regular Meeting begins at 7 PM

Parks & Recreation Board, January 14, 2020 at 7 PM

Planning Commission, Tuesday, December 17, 2019 @ 7 PM

Budget/Finance Workshop April 28, 2020 at 6:30 PM

Twp. Office will be closed on Wednesday Dec 25th & Thursday Dec 26th to celebrate the Christmas Holiday. Twp. office will close at noon on Dec 31st and remain closed Thursday Jan 1st, 2020.

Having no further business to discuss; *A motion was made by Ronald L. Weidner with a second by Timothy D Beard III to adjourn the meeting. Meeting adjourned at 8:55 PM. Motion carried.*

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Respectfully submitted;

Hannelore B. Furst
Interim Secretary, Hamilton Township