

Hamilton Township Board of Supervisors
Regular Meeting Minutes
Monday, July 12, 2021

CALL TO ORDER: The meeting was called to order at 7:00 PM with the Pledge of Allegiance by Parliamentarian Stephanie A. Egger.

Supervisors present were Ronald L. Weidner, Timothy D. Beard, III and Michael A. Strausbaugh. Also present were Ronald T. Tomasko, ESQ, Parliamentarian Stephanie A. Egger, Assistant Secretary Jessica Baim, and Tom Barrows, Roadmaster.

APPROVAL OF MINUTES:

Regular Scheduled Meeting, June 7, 2021.

*Upon review of the minutes of the June 7, 2021, regular meeting, a motion was made by Timothy D. Beard, III to approve with the correction of installation versus install on page 6 under DJ Homes, with a second made 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. Stephanie Egger expressed the need the SPCA is experiencing and reminded the residents if anyone wants to donate, they can bring items to the Township building and the Township will take the items to the SPCA.
2. Traffic Study Beaver Creek Road, Home Road, and Protectory Road: Timothy D. Beard, III reviewed the four-day study that was provided from LTAP. Protectory Road averaged 103 cars per day, Beaver Creek averaged 376 cars per day, and Home Road averaged 102 cars per day. Both Protectory Road and Home Road parallel each other on Monday and Tuesday with very little traffic where Wednesday and Thursday were very heavy. Beaver Creek showed a low of 242 cars on Monday to a high of 453 cars on Wednesday. Beaver Creek is getting the bulk of the traffic. Timothy D. Beard, III is reviewing the time data and determining if there is a specific correlation on time and flow of cars. Timothy D. Beard, III spoke to Thomas Barrows who feels that Monday and Tuesday could be due to work from home and Wednesday and Thursday are when people are going into the office to work. Timothy D. Beard, III will break down this report further by day, time of day, and comparison of the three roads. Protectory Road and Home Road are to parallel each other, and Beaver Creek is about three times higher on traffic.

NEW BUSINESS:

1. State Police: Stephanie Egger read the report for the month of June, there was a total of 51 incidents: 29 service, 14 criminal, five crash reports, and three no responses.
2. Northeast Adams Fire Co. #32-FIRE: Stephanie Egger read the report for the month of June there was a total of 28 incidents, two in Hamilton Township.
3. Northeast Adams Co. #32- EMS: Stephanie Egger read the report for the month of June, there was a total of 96 incidents, one in Hamilton Township.

4. United Hook & Ladder Co. No. 33: Stephanie Egger read the report for the month of June, there was a total of 55 incidents, six in Hamilton Township.

5. Adams Regional EMS, Inc. Monthly Report for Hamilton Township: Stephanie Egger read the reports for the months of May and June. For the month of May there was a total of 741 incidents, ten in Hamilton Township. For the month of June there was a total of 637 incidents, 12 in Hamilton Township.

6. Roadway Width Ordinance updates: Stephanie Egger read the interoffice memo from the Planning Commission. On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors forward the revisions/additions to the SALDO § 120-21. N (1), §120-40, and §120-41 to the Township Solicitor for review.

Existing Ordinance Section 120-21. N

N. Existing frontage along street of improper right-of-way width: In the case of a plan for land development (including subdivision) fronting on an existing public street of improper right-of-way width, the developer shall provide dedication of land for widening the existing right-of-way to meet the minimum right-of-way standards as specified in §120-21C of this chapter. Any dedication of right-of-way will be measured from the center line of the existing roadway.

(1) For all plans for land development (including subdivision) in which any of the property fronts on an existing or proposed public street, the developer shall be required to improve the portion of the roadway on which the proposed development fronts to meet the minimum roadway standard as specified in this chapter. This includes shoulders, embankments, gutters, berms and/or curbing for the entire road width for the entire length of road frontage along the highway. The Board of Supervisors in lieu of requiring such improvements at the time of subdivision or land development may require the payment of a uniform lineal footage fee to be established by the Township by resolution. Said fee shall be placed in a highway capital improvement fund.

Proposed Ordinance Section 120-21. N

N. Existing frontage along street of improper right-of-way width: In the case of a plan for land development (including subdivision) fronting on an existing public street of improper right-of-way width, the developer shall provide dedication of land for widening the existing right-of-way to meet the minimum right-of-way standards as specified in §120-21C of this chapter. Any dedication of right-of-way will be measured from the center line of the existing roadway.

(1) For all non-residential plans for land development, where the estimated Average Daily Trips (ADT) is greater than fifty (50), or for all residential subdivisions that propose more than five (5) additional lots, in which any of the property fronts on an existing or proposed public street, the developer shall be required to improve the portion of the roadway on which the proposed development fronts to meet the minimum roadway standard as specified in this chapter. This includes all paving, shoulders, embankments, gutters, berms, curbing, piping, and/or utility relocations for the entire road width for the entire length of road frontage along the highway. The Board of Supervisors, in lieu of requiring such improvements at the time of subdivision or land development, may require the payment of a fee equal to the cost of construction of improvements, including all paving, shoulders, embankments, gutters, berms, curbing, piping, and/or utility relocations that would otherwise be required to meet minimum roadway standards as specified in this chapter. Said estimate shall be prepared by the applicant and provided to the Township Engineer for review and recommendation to the Board of Supervisors. Said fee shall be placed in a highway capital improvement fund.

Existing Ordinance § 120-36:

§ 120-36 Traffic impact studies.

Where deemed necessary by the Township, the developer shall submit a traffic impact study (TIS) for review. Any TIS shall be prepared in accordance with the following criteria:

A. At a minimum, a TIS will be required for any nonresidential project that includes more than 20,000 square feet of floor area under roof, and for any residential project including 25 or more dwelling units. In addition, the Township Supervisors may require the preparation of a TIS for other projects that may exhibit one or more of the following characteristics:

- (1) The project includes significant trip generation estimates.
- (2) Significant traffic problems exist in the local area.
- (3) The project will significantly affect the existing level of services of surrounding roads and intersections.
- (4) The project may affect adjacent neighborhoods or sensitive natural or historic areas.
- (5) The roadway adjacent to the project has limited capacity or limited potential for improvement.
- (6) The proposed access for the project may affect nearby drives or intersections.
- (7) The project may adversely affect existing roadway system problems or deficiencies.

Proposed Ordinance § 120-36:

§ 120-36 Traffic impact studies.

Where deemed necessary by the Township, the developer shall submit a Traffic Impact Study (TIS) for review. Any TIS shall be prepared in accordance with the following criteria:

A. At a minimum, a TIS will be required for any nonresidential project that proposes an increase in ADT of greater than fifty (50) and for any residential project including (five) 5 or more dwelling units. In addition, the Township Supervisors may require the preparation of a TIS for other projects that may exhibit one or more of the following characteristics:

- (1) The project includes significant trip generation estimates.
- (2) Significant traffic problems exist in the local area.
- (3) The project will significantly affect the existing level of services of surrounding roads and intersections.
- (4) The project may affect adjacent neighborhoods or sensitive natural or historic areas.
- (5) The roadway adjacent to the project has limited capacity or limited potential for improvement.
- (6) The proposed access for the project may affect nearby drives or intersections.
- (7) The project may adversely affect existing roadway system problems or deficiencies.

Existing Ordinance § 120-40:

§ 120-40 Public water and sewer.

- A. Any proposed development of 10 lots or more (cumulatively subdivided from any lot existing as of September 13, 2004) must be served by an approved public water system.
- B. Any proposed development of 10 lots or more (cumulatively subdivided from any lot existing as of September 13, 2004) must be served by an approved public sewer system.

Proposed Ordinance § 120-40:

§ 120-40 Public water and sewer.

- A. Any proposed development of five (5) lots or more (cumulatively subdivided from any lot existing as of September 13, 2004) must be served by an approved public water system.
- B. Any proposed development of five (5) lots or more (cumulatively subdivided from any lot existing as of September 13, 2004) must be served by an approved public sewer system.

Existing Ordinance § 120-41:

§ 120-41 Fire hydrant location and distribution.

- A. Fire hydrants shall be provided in any proposed development of 10 lots or more (cumulatively subdivided from any lot existing as of September 13, 2004). When fire hydrants are required to be provided, the locations and distribution shall be provided in accordance with Appendix C of the International Fire Code, as amended.

Proposed Ordinance § 120-41:

§ 120-41 Fire hydrant location and distribution.

- A. Fire hydrants shall be provided in any proposed development of five (5) lots or more (cumulatively subdivided from any lot existing as of September 13, 2004). When fire hydrants are required to be provided, the locations and distribution shall be provided in accordance with Appendix C of the International Fire Code, as amended.

Ronald L. Weidner requested that HOA will be responsible for covering the installation and maintenance of the fire hydrants be added to this Ordinance. Stephanie Egger indicated that this will be added for the Township Solicitor to research. Ronald Tomasko indicated he will review to make sure this won't be an issue for a possible lawsuit. Ronald Tomasko indicated this would depend on if the Township dedicates the roadways or if it is up to the developer to maintain the roadways. *A motion to forward to the Township Solicitor was made by Ronald L. Weidner, with a second made by Timothy D. Beard, III. Motion was unanimously approved.*

7. Members First Credit Union Power Point Cash Management Proposal: Representatives Elaine Diehl (Member's First Cash Management), Laura Becker (Relationship Manager within Adams County), and Kim Flickinger (Gettysburg Branch Manager). Elaine Diehl handed out a power point presentation which gave organizational history which reviewed Member's First Credit Union as a member-owned full service financial institution. Several slides provided how their business platform works. Elaine reviewed a comparison of ACNB to Member's First which showed that the interest rates are at least double than ACNB per current account. Member's First does not have any monthly maintenance fee or service fee to be using the cash management business online banking platform. The Township could have an option for a remote check deposit scanner which has a \$50.00 monthly fee, but Member's First is willing to offer a free three-month trial of the scanner. Hamilton Township may cancel remote check deposit scanner service at any time with no termination fee. Elaine Diehl indicated the cash management team will assist with the entire process to ensure a smooth transition. Hamilton Township can migrate CD's funds as they mature to avoid any early termination fees. Timothy D. Beard, III asked Elaine Diehl if they are federally insured? Laura Becker indicated they are, but they fall under NCUA (National Credit Union Administration) since they are a credit union. Jessica Baim asked if Member's First offers commercial mobile deposit to avoid the scanner fees. Elaine Diehl indicated the Credit Union is currently working on that but currently do not offer because there has not been a way to verify two signature requirements. Michael A. Strausbaugh asked Stephanie Egger what fees or requirements would Hamilton Township have to pay to leave ACNB? Stephanie Egger informed that nothing as it would be a transition or migration of funds. Ronald L. Weidner informed the Board of Supervisors will discuss further and provide follow up soon.

8. Christmas in July: Stephanie Egger reviewed the flyer for EBACC Christmas in July. Jessica Baim informed that the flyer is also located on the Township website as a reminder of the dates.

9. COVID Relief Funds (ARPA): Stephanie Egger reviewed the Township received this year's payment of \$134,395.27 and the same amount will be issued in 2022 for a grand total of \$268,790.54. The COVID relief fund grant is really limited on what they can be used towards. Some examples are fire companies, to improve broadband service, and sewer infrastructure. Kevin Moul on behalf of United Hook and Ladder indicated a washer and dryer is the only items the fire department could use some of the funds on. The fire department did not show a loss of income in 2020.

Is there any other business to come before the Board of Supervisors: Donna Vacek, a resident on Cherry Lane asked about any follow up with the property at 82 Cherry Lane? Stephanie Egger informed that Scott Weaver, Zoning Officer did mail the Jewish Family Service of Tidewater a certified letter inquiring about the maintenance and upkeep of the property. The Township has not received any follow up communication to date from the letter. Thomas Barrows, Roadmaster informed he is checking on the property weekly to verify the fence is remaining up. Ms. Vacek informed that there is a mowing company maintaining the front yard. Ronald L. Weidner addressed the audience about a concern the Township received from PennDot over a sight distance issue pulling out of Protectory Road onto Rt 194. The Township will be mailing Mr. & Mrs. Daily a certified letter informing to trim the tree back within 14 days or the Township Public Works Department will be trimming the tree. *A motion was made by Ronald L. Weidner to mail a certified letter of the request for tree trimming with a second made by Timothy D. Beard, III. Motion was unanimously approved.*

Planning Commission recommendations and status of active plans:

1. To adopt the additions and amendments to the Zoning Ordinance #150 for Medical Marijuana: Stephanie Egger read the memo to the Board of Supervisors. "On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors to adopt the additions and amendments to the Zoning Ordinance §150 for Medical Marijuana. The additional include §150-5, amendments to §150-61, §150-69, §150-71, §150-98, and the addition to §150-116." *A motion was made by Ronald L. Weidner to adopt the additions and amendments with a second made by Michael A. Strausbaugh. Motion was unanimously approved.*
2. Recommendation to adopt the revisions/additions to the Solar Ordinance #150 including the updated version of the "Table of Uses": Stephanie Egger read the memo to the Board of Supervisors. "On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors adopt the revisions/additions to the Solar Ordinance §150 including the updated version of the "Table of Uses (§150attachement 1)". *A motion was made by Ronald L. Weidner to adopt with a second made by Michael A. Strausbaugh. Motion was unanimously approved.*
3. The Eisenhart Subdivision Plan is presented for final approval: Stephanie Egger read the interoffice memo. On behalf of the Planning Commission for Hamilton Township, we recommend that the Board of Supervisors conditionally approve the Final Subdivision Plan for Eisenhart Subdivision for a period of 30 days. Approval pending the completion of the "Right of Way Agreement" Terminology to be agreed upon by Township Solicitor (Mr. Tomasko) and Matt Guthrie, Esquire. The maintenance agreement must be an attachment to the deed and a copy received by Hamilton Township. Ronald L. Weidner confirmed with Ronald Tomasko the two attorneys agreed on the terminology. Ronald Tomasko indicated that Mr. Guthrie added an additional line that specified, "Grantor and Grantee acknowledge that this is a private Right-of-Way and Hamilton Township is not a party to this agreement nor does Hamilton Township have any duties or obligations related to enforcement, use, maintenance or otherwise under this Right-of-Way agreement." *A motion to approve the final subdivision plan was made by Ronald L. Weidner, with a second made by Timothy D. Beard, III. Motion was unanimously approved.*

COMMITTEE & DEPARTMENT REPORTS:

APPROVED

1. East Berlin Area Community Center (EBACC): No representative present. No report.
2. Abbottstown Paradise Joint Sewer Authority: Kevin Moul informed that the sewer authority is having a meeting the week of July 19, 2021, to discuss the upgrades needed to the infrastructure. They will be looking at adding generators to the pump stations and upgrading the lines throughout the entire system.
3. Parks and Recreation Committee: No report. No meeting.
4. Emergency Management: Timothy D. Beard, III reported there was no activity for the month of June.
5. YATB & ACTCC Tax Board Report: Timothy D. Beard, III informed that YATB distribution was up for the month of June comparing 2020 versus 2021 by 2.1 million dollars and they are projecting the unemployment for 2021 will be higher versus 2020 that will have a negative effect on the rest of 2021 tax collections.
6. Road Master's Report: Thomas Barrows, Roadmaster informed that June was maintenance month. The Public Works Department made repairs to the Kubota and the bucket truck which would not keep running. The Public Works Department is starting the second round of roadside mowing.
7. COG: Stephanie Egger read excerpts from the May zoom meeting minutes. "The Legislative Forum is tentatively scheduled for Thursday, September 23rd beginning at 6:30pm. Location to be determined at this time. AC Commissioner reports that the largest group of unvaccinated persons are the many younger workers in the tourism business. The commissioners are encouraging the younger workforce to get vaccinated. Representative Dan Moul is the chairman of the Agricultural Committee. Agriculture is one of the biggest industries in Adams County. Mr. Moul addressed the lack of broadband service in Adams County, there are students who travel to McDonalds so they can get their work done because they do not have internet service at their homes. Mr. Moul reports that there are 500 tractor trailer loads of PPE sitting at the farm show complex, according to PEMA, PA is to have two warehouses; one in the eastern part of the state and one in the western part of the state to house PPEs for emergency situations and apparently this has never been done."
8. East Berlin Area Joint Authority: Ronald L. Weidner informed the water tower is still pending the installation of the valve which was the contractor's fault that it was missed during construction there will be no additional cost to the Authority. The valve is still backordered, hoping to come sometime in the fall. The tank will need to be drained to have the valve installed.

Engineer's Report: Stephanie Egger reviewed the July 2021 report for C.S. Davidson.

1. SUBDIVISION, LAND DEVELOPMENT, and STORMWATER PLAN REVIEWS:

Stormwater Plans: C.S. Davidson provided inspection of 10 Hunter Circle and had correspondence with Judah Nell about stormwater facilities under construction. C.S. Davidson also provided review comments for Herman storm plan in an e-mail dated 6-29-2021.

Eisenhart Subdivision: C.S. Davidson reviewed the revised plans dated 5-14-2021. At the June Planning Commission meeting C.S. Davidson reported that comments 1,2,3, and 5 from our 5/11/2021 letter were addressed. The Planning Commission conditionally approved the plan conditioned upon comment four from C.S. Davidson 's 5-11-2021 letter being addressed. Comment related to the shared driveway agreement which needed to be reviewed by the Township Solicitor and Engineer. C.S. Davidson provided comment regarding the agreement which has been addressed. At this point all items have been addressed and C.S. Davidson recommends approval of the plan.

2. LAND DEVELOPMENTS and STORMWATER PLANS UNDER CONSTRUCTION:

Elite Sports Performance: C.S. Davidson sent several correspondences to the applicant over the past month or two. We are still waiting for the applicant to provide a plan that matches what is built.

3. OTHER PROJECTS

Beaver Creek Road Bridge: C.S. Davidson sent an e-mail dated 7/1/2021 regarding the municipal candidate notification letter from York Co. Planning Commission.

Home and Protectors Bridges: Here is an update on the design and permitting efforts:

- A box culvert was selected as the proposed structure for both locations.
- The preliminary design of both bridges is complete.
- Both structures will be submitted on one (1) DEP permit application. We would like to submit electronically: APS has been coordinating with the Township staff.
- Design plans will be prepared for each structure should the Townships wish to separate bid and construction.
- We anticipate submitting for the permit at the end of July; the approved permit is anticipated for November.
- Final Design plans will be completed following the receipt of the permit.
- We are assuming all construction elements will be bid and performed by a contractor. No exceptions for in housework at this time.
- Construction to occur in spring of 2022.

Also, it's important to note that we are proceeding assuming that both Townships are funding the bridge replacements with general funds and not Liquid Fuels. It is significantly more efficient when avoiding liquid fuels and the designs are being done accordingly. Changing this arrangement at this point will require changes in the design/permitting.

Ordinance updates: C.S. Davidson provided a report dated 5/24/2021 regarding Roadway Width Ordinance Updates.

Solicitor's Report: Attorney Tomasko presented his June monthly report which included the Eisenhart Sub-division right of way agreement and communications with the Township officials and applicant's attorney. Reviewed Stuller Estate MVA paperwork, and communications with the Township officers regarding unoccupied residential dwelling. Attorney Tomasko informed that the Sheriff's sale for David Lease is going forward.

Scott Weaver, Zoning Officer's Report: Stephanie Egger read the report for the month of June there was a total of nine zoning permits issued: one vendor permit for food truck, two zoning permits for a fence, one for a pole building, two for a pool, one pump house, one new home, driveway and well, and one for new home, pole building, well and driveway. On Planning Commission agenda: Pine Run Phase III, Eisenhart Subdivision. No new subdivisions or land developments were presented this month. 6170 York Road is being looked at by Royal Farms for a gas station, convenience store, and car wash.

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: Nothing more to say.

Tim: Hope everyone had a good 4th of July. Thanks for coming out tonight.

Mike: Thank you for coming out tonight.

Meeting Announcements:

Board of Supervisors: Monday, August 2, 2021 @ 7pm

Parks and Recreation Board: Meetings are cancelled indefinitely until activity resumes.

Planning Commission: Tuesday, July 20, 2021

APPROVED

Budget/Finance Workshop: Tuesday, July 27 @ 6:30 PM is cancelled. The meeting is rescheduled for Wednesday, July 21, 2021 @ 6:30.

Adjournment:

Having nothing further to discuss, Motion to adjourn was made at 8:30 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