

Minutes of the August 27, 2002 Meeting

The meeting was called to order at 7:30 p.m. by Chairman Waybright. Present were all Supervisors, Henry Heiser, Ron Horton, Carol Merryman, Bob Sharrah, Harry Yingling, Guy Kump, Mike Galassi, Mr. and Mrs. Robert Rauhauser, John Madden, Rebecca Koch, Dick Michael, Jeff Zigler, Margaret Kauffman, James Kollas, Steve Wolf and reporters from THE GETTYSBURG TIMES and THE EVENING SUN. The meeting was tape recorded.

The Minutes of the previous meeting were approved by motion of Mr. Shealer seconded by Mr. Weikert and carried.

Mr. John Madden presented the First Capital Land Development Plan for storage sheds on Old Harrisburg Road. He reported that the Planning Commission has now approved the plan with the additional notes being added as discussed at the previous Supervisors' meeting. He reported that they have used a landscaping plan that was designed by Mr. Paddock and it is way beyond the requirements of the ordinance. The flood plain elevations were discussed. Mr. Madden stated that everything is 10 feet above the normal water level of the creek. Mr. Horton pointed out that the Planning Commission's approval was contingent upon the resolution of financial security and adding a note to the plan that states that the wholesale use of the existing business cannot be changed to a retail use unless a plan comes in showing additional parking spaces. After some discussion, Mr. Rauhauser agreed to the note being added. Mr. Weikert asked that notes #6 and #8 be removed because they dealt with the storage trailers that are no longer shown on the plan. This was acceptable with Mr. Rauhauser. Mr. Bowling asked if note #10 that indemnifies the Township would legally hold up if something happens in the future. Mr. Heiser stated that he could not say for sure, but it is better to have the note than not. Mr. Rauhauser agreed to provide the financial security as requested by Mr. Horton even though he feels that he is being penalized after agreeing to do more than is really required. Mr. Weikert stated that he still has the concern about flooding and feels that this will constrict the water and cause further damage downstream. He also worries about the people's property being stored in the sheds that will be destroyed. Mr. Gregor stated that he agrees with the flooding concerns, but he can't base his decision on something that may, or may not happen. **Mr. Gregor made a motion to approve the plan contingent upon notes #6 and #8 being removed, financial security being provided, and a note being added to page 3 regarding the wholesale use of the existing building, seconded by Mr. Bowling and carried. Mr. Weikert voted no.**

Mr. Sharrah presented a plan which clearly showed the drainage easements that he spoke to the Board about at the previous meeting for the 1270 Professional Center project. He reiterated that PennDOT will not accept any parallel drainage easements and they must be dedicated to the Township. The easements consist of a parallel easement the entire length of the frontage of the Armory property, a 5'x10' section on the PennDOT parcel, two rights-of-ways at the intersection of Old Mill Road and SR0116 from the Commonwealth and one at Deatrick Drive East for the left-turn lane, a drainage easement in front of the PennDOT property and the former Deatrick property. Mr. Heiser stated that this could be devastating to the project if not worked out and he feels that it is to the Township's advantage to do this because of what it will do for the tax base. Mr. Heiser also pointed out that the township has the ability to maintain the easements, where a private individual would not. Mr. Bowling pointed out that it will be good to know whose responsibility it is because there are times when no one wants to take the responsibility when something happens. Chairman Waybright asked if the township would have input on the design and inspection. Mr. Sharrah stated that the design is already approved, but he feels sure there could be someone from the township present during the construction to inspect the work. **Mr. Weikert made a motion to approve the dedication of the easements, with Mr. Heiser's approval, seconded by Mr. Gregor and carried.**

Mr. Gregor made a motion, seconded by Mr. Bowling and carried to approve a Lot Addition Subdivision Plan and Planning Waiver & Non-Building Declaration for Harry Yingling on Barlow

Road. The plan conveys .707 acres to Mr. Yingling's neighbor, Guy Kump, and it straightens out his lot line.

Mr. James Kollas, representing Steve Wolf, presented a "Lot Combination Plan" for Mr. Wolf's parcels on Herr's Ridge Road. Mr. Kollas explained that Mr. Wolf would like to combine the three lots that he owns into one parcel and request that the entire parcel then be zoned Commercial. Mr. Kollas added that this is being done to resolve a zoning problem created by Mr. Wolf parking his school buses on one of the lots that is zoned Residential. Mr. Kollas reported that he has sent a letter to Mr. Wolf's neighbors and he has not received any negative comments. Mr. Heiser clarified that the request for a change in zoning goes before the Supervisors and can probably tie in with the current update of the Zoning Update. Mr. Gregor asked Mr. Kollas to send a letter to the Township requesting the change. **Mr. Weikert made a motion to approve the Lot Combination Plan, seconded by Mr. Shealer and carried.**

Mr. Jeff Zigler, representing Richard Michael, presented a revised Land Development Plan for the Eisenhower Inn and Conference Center. Mr. Zigler reported that the Planning Commission approved the plan with the following conditions: submission of a landscaping plan, E & S approval being received and all of Mr. Horton's comments being addressed and the revised plan being submitted ten (10) days prior to the Supervisor's meeting. Mr. Horton reported that his comments have been addressed. He pointed out that they are requesting a modification to the stormwater release rates and this is a common request that has been granted for other projects. Mr. Horton reported that E & S approval has not been received. There was a discussion about the need for a back up generator for the sewer plant, but Mr. Michael pointed out that they had a stand-by generator for about 28 years and never had to use it and if the electric goes off, no water is running anyway. Their current back up plan is to rent a generator if needed. Mr. Horton stated that he feels that the township should get a copy of the contract between Mr. Michael and the supplier of the back up generator that is renewed yearly. Mr. Bowling asked about the height of the building and Mr. Zigler stated that the elevation is fairly consistent all the way around the building and they are under the thirty-five foot requirement. Mr. Weikert asked them to address the water issues and Mr. Michael reported that they met with PaDEP and submitted their previous Conservation Plan. The hotel had been equipped with 5 gallon flush toilets and they were replaced with 1.6 gallon per flush toilets. They also replaced the faucets with ones that can not be left on and found and repaired numerous leaks in the system. Mr. Michael stated that they have not had a water shortage since taking these conservation measures and have not had to haul any water in. He added that they are also going to replace all of the toilets in the units that they own in Devonshire Village with the water-saving toilets and this savings will almost be equal to the amount of water that will be needed for the expansion. Margaret Kauffman, resident and home-owner in Devonshire Village, stated that she has a concern about the water. She reported that in March they were given a letter stating that if they did not conserve water, they may have to turn the water off for several hours per day. Geraldine Tonti, another resident and homeowner, also expressed her concern about the quality of the wells because four of the eight wells are not being used. She expressed serious concerns about her costs going up and she asked if the homeowners will be included in the conservation measures. Mr. Michael stated that he is also willing to furnish and install the 1.6 gallon flush toilets to the units in Devonshire Village that are privately owned. He added that he is obligated to send out letters when they see water being wasted. He stated that the un-used wells were polluted by the Foundry, however, there is currently a reverse-osmosis system that is affordable and could be used if they ever needed the water. When the wells were originally dug, before they built Allstar, the process was terribly expensive. Mr. Michael stated that the current expansion of the hotel will not effect the condo fees at Devonshire Village. Mr. Horton asked if there was any follow-up documentation from PaDEP regarding their water system. Mr. Michael stated that nothing was required and they did not even have to be there. They are permitted to pump up to 68,000 gpd and their demand has not gone over 30,000 gpd when they are packed full. Mr. Horton added that he has gone through a years worth of reports from the sewage treatment plant and the amount of water going through the plant is in agreement with what Mr. Michael is reporting as their water use. Mr. Horton asked them to provide a copy of their water permit for the Township's records and he stated that the Letter of Credit must be in place before a building permit is issued for the project. Mr. Bowling

clarified that Mr. Michael will install the new toilets for the homeowners, as well as furnish them. Mr. Michael confirmed that he intended to install them too. Mr. Horton explained the stormwater modification that they are requesting and he added that Adams County is working on a stormwater ordinance for the Monocacy Watershed and the modification is in keeping with that. Mr. Weikert asked about the new entrance and Mr. Zigler stated that it is meant to keep the delivery trucks out of the main entrance and to provide a second access point. Mr. Horton stated that the new driveway is a PennDOT concern and he would rely on them in regards to the need for a traffic study. **Mr. Shealer made a motion to approve the Land Development Plan and grant the request for modification (#10 on site data) for the stormwater management, seconded by Mr. Bowling and carried.**

Mr. Gregor made a motion, seconded by Mr. Weikert and carried to approve Certificates of Appropriateness for Roselawn LLC for three single-family dwellings on Rebel View. The applications have been approved by HARB.

Mr. Heiser reported that he has begun reviewing the proposed ordinance regarding the Parks, Recreation and Open Space and Mr. Horton is on the right track, but this must be part of the Subdivision and Land Development Ordinance (SALDO) and our SALDO will have to be amended to include it. He also stated that he spoke with Charlie Courtney, Boyds Collection attorney, and he agrees that they will be having special things happening at their facility on a regular basis and they would not be required to get special event permits. He also reported that Mr. Delaney has junk cars back on his property on Herr's Ridge Road and the complaint has been prepared and will be filed with the Magistrate.

At 9:28 p.m., Chairman Waybright adjourned the meeting for an Executive Session to discuss a personnel issue.

At 10:10 p.m., Chairman Waybright reconvened the meeting.

The Manager/Engineer's Report was reviewed. Mr. Weikert asked if the S.E.O. is involved with the Topper sewage system problem and Mr. Horton indicated that he is involved. Mr. Horton also stated that he would like to see the Topper's on a pumping schedule of every six months because the system is under-sized. Mr. Gregor asked if there has been any information received lately about the Welcome Center lawsuit. Mr. Horton reported that he got a courtesy call from Mr. Wenger's office to let him know that the Supreme Court is in summer recess now. Mr. Gregor also asked how much the township has spent on the lawsuit and Mr. Horton stated that we have been billed approximately \$42,000.00, \$5,000.00 of which, has not been paid yet. Mr. Gregor also asked Mr. Horton if he has received any information from EMA or Marty Hill regarding the feasibility study they were doing this summer on the Leonard/Barnes property. Mr. Horton stated that he has received no information from either group. Mr. Gregor asked Mr. Horton to contact them.

The Zoning Officer's and Assistant Secretary's Report were reviewed.

Mr. Gregor reported that the Police Contract is pretty well finished except for one article regarding reimbursement for sick days at retirement. The Board agreed that they should hold to the 50% reimbursement. The next Zoning Update Committee meeting will be held on September 3, 2002, at 7:30 p.m. The committee should finish the text of the ordinance, except for the article on Agricultural, which will be worked on by a subcommittee. Mr. Bucovetsky is working on the zoning map and will bring it down sometime in July. There will need to be at least one public hearing and then it could possibly be adopted.

Mr. Shealer reported that Mr. Dayhoff spoke to him about his bid for the painting at the rental property. Mr. Dayhoff stated that his bid for the painting was higher than Mr. Simpson's because there is lead based paint that must be removed and disposed of properly. Mr. Dayhoff cautioned the township to be sure that Mr.

Simpson did this. Mr. Horton reported that he had met with Mr. Simpson and there was an alternate price in the bid (approximately \$1,000.00) to replace the entire porch deck and steps rather than chipping it and painting it. The paint on the banisters will be removed and repainted. Mr. Simpson also recommended that the roof on the carport be painted and he is willing to do that and furnish two storm windows for the basement for \$260.00, which can be deducted if the porch deck is replaced. Mr. Simpson will do the extras if the requirement for the performance bond is eliminated and Mr. Horton recommended that this be done. Mr. Bowling stated that he feels that pressure treated lumber be used so it doesn't have to be painted each year. Mr. Horton stated that for aesthetic reasons, Mr. Simpson did not feel that pressure treated lumber should be used. **Mr. Shealer made a motion to approve the extra expense of replacing the porch deck and steps and waive the requirement for the performance bond, seconded by Mr. Weikert and carried.**

Mr. Bowling stated that the mowing looks good. He also asked Mr. Horton for an update on the water issue on the property just down from the Township Building. Mr. Horton reported that he did get in contact with the new owner of the property and he is pursuing a resolution of the problem.

There will be a Park and Rec Committee Meeting on Thursday, August 29, 2002 at 7:00 p.m.

The bills were paid. Expenditures for this meeting totaled \$22,940.53 from the General Fund.

There being no further business, the meeting was adjourned at 10:50 p.m. by motion of Mr. Bowling, seconded by Mr. Shealer and carried.

Carol A. Merryman, Asst. Secretary

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